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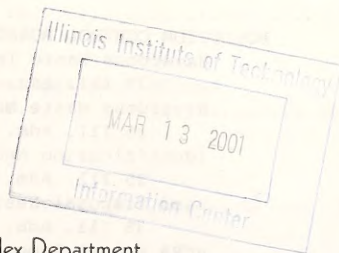
# ILLINOIS

## REGISTER RULES OF GOVERNMENTAL AGENCIES



Volume 25, Issue 10  
March 09, 2001

Pages 3,328 – 3,722



Index Department  
Administrative Code Div.  
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REGISTER PUBLICATION SCHEDULE 2001

Issue #	Copy Due by 4:30 p.m.	Publication Date	Issue #	Copy Due by 4:30 p.m.	Publication Date
Issue 1	December 26, 2000	January 5, 2001	Issue 28	July 2	July 13
Issue 2	January 2, 2001*	January 12	Issue 29	July 9	July 20
Issue 3	January 8	January 19	Issue 30	July 16	July 27
Issue 4	January 16*	January 26	Issue 31	July 23	August 3
Issue 5	January 22	February 2	Issue 32	July 30	August 10
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Issue 7	February 5	February 16	Issue 34	August 13	August 24
Issue 8	February 13*	February 23	Issue 35	August 20	August 31
Issue 9	February 20*	March 2	Issue 36	August 27	September 7
Issue 10	February 26	March 9	Issue 37	September 4*	September 14
Issue 11	March 5	March 16	Issue 38	September 10	September 21
Issue 12	March 12	March 23	Issue 39	September 17	September 28
Issue 13	March 19	March 30	Issue 40	September 24	October 5
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Issue 18	April 23	May 4	Issue 45	October 29	November 9
Issue 19	April 30	May 11	Issue 46	November 5	November 16
Issue 20	May 7	May 18	Issue 47	November 13*	November 26**
Issue 21	May 14	May 25	Issue 48	November 19	November 30
Issue 22	May 21	June 1	Issue 49	November 26	December 7
Issue 23	May 29*	June 8	Issue 50	December 3	December 14
Issue 24	June 4	June 15	Issue 51	December 10	December 21
Issue 25	June 11	June 22	Issue 52	December 17	December 28
Issue 26	June 18	June 29	Issue 1	December 26 (Wed. Noon)	January 4, 2002
Issue 27	June 25	July 6			

\* Tuesday 12 noon deadline following a state holiday.

\*\* Monday publication date following a state holiday.



## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Appeal of Child Abuse and Neglect Investigation Findings
- 2) Code Citation: 89 Ill. Adm. Code 336
- 3) Section Numbers: Proposed Action:  
336.110 Amended  
336.220 Amended
- 4) Statutory Authority: 325 ILCS 5/7.16
- 5) A Complete Description of the Subjects and Issues Involved: The revised Rule Sections allow a stay of appeal until a final judicial decision has been made when an appellant is named as a defendant or respondent in a pending Criminal or Juvenile Court action and the action is based on the same facts as the administrative expungement appeal. This delay will not be considered a delay on the part of the Department in issuing and implementing its final administrative decision. When the court makes a final decision that is favorable to the appellant, the appellant is required to notify the Administrative Hearings Unit (AHU) of the finding in writing within 45 days and the AHU will schedule an appeal hearing. The AHU will dismiss those allegations that are based on the common set of facts when the court makes a final decision that is adverse to the appellant.
- 6) Will this proposed amendment replace an emergency amendment currently in effect? Yes

- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any proposed amendments to this part pending? No
- 10) Statement of Statewide Policy Objectives: The proposed amendments do not expand a state mandate as defined in Section 3 of the State Mandates Act [30 ILCS 805].

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice. Comments should be submitted to:

Jeff Osowski  
Office of Child and Family Policy  
Department of Children and Family Services  
406 East Monroe Street, Station #65  
Springfield, Illinois 62701-1498

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENTS

Telephone: 217/524-1983  
TDD: 217/524-3715  
FAX: 217/557-0692  
E-Mail address: [cfpolicy@dcfs.state.il.us](mailto:cfpolicy@dcfs.state.il.us)

The Department will consider fully all written comments on this proposed rulemaking submitted during the 45-day comment period. Comments submitted by small businesses should be identified as such.

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: The Department has determined that the proposed amendments do not have an economic impact on small business.
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: January 2001

The full text of the Proposed Amendment is identical to the emergency amendment on page **3702** of this issue of the *Illinois Register*.

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Public Schools Evaluation, Recognition and Supervision
- 2) Code Citation: 23 Ill. Adm. Code 1
- 3) Section Numbers: Proposed Action:  
1.100 Amendment
- 4) Statutory Authority: 105 ILCS 5/2-3.6, 2-3.25g, 5-1, Art. 13A and 17-1.5.
- 5) A Complete Description of the Subjects and Issues Involved: The proposed changes will require applicants for waivers or modifications of mandates contained in the School Code [105 ILCS 5] or in the State Board of Education's administrative rules to describe the public hearing held to consider the request. Applicants would also be required to submit copies of the notices published in a newspaper of general circulation and provided to the collective bargaining agent. These changes are being proposed in response to the public's perceptions that the school boards do not give adequate consideration to issues that the public raises.

## Other proposed changes respond to recent legislation:

- P.A. 90-653, effective July 29, 1998, which makes certain requirements for requests seeking to waive the administrative expenditure limitation set forth in Section 17-1.5 of the School Code;
- P.A. 91-269, effective July 23, 1999, which prohibits waivers from Section 5-1 of the School Code concerning township treasurers and trustees; and
- P.A. 91-318, effective July 29, 1999, which authorizes regional superintendents of schools to submit waiver or modification requests on behalf of alternative schools established pursuant to Article 13A of the School Code.

- 6) Will these proposed amendments replace an emergency amendment currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking will not create or enlarge a state mandate.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days of the publication of this notice to:

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

Sally Voel  
Agency Rules Coordinator  
Illinois State Board of Education  
100 North First Street, S-284  
Springfield, Illinois 62777-0001  
(217) 782-3950

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: School districts and others eligible to apply for waivers and modifications of regulatory and School Code mandates complete a one-page application.
- C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: The rulemaking resulting from legislation was not included on either of the last two regulatory agendas, since the public acts were listed on the January 2000 and January 1999 reports. The proposed changes concerning public hearings are the result of policy decisions made after the publication of the most recent agenda.

The full text of the Proposed Amendments begins on the next page:

STATE BOARD OF EDUCATION  
NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES  
CHAPTER 1: STATE BOARD OF EDUCATION  
SUBCHAPTER a: PUBLIC SCHOOL RECOGNITION

PART 1  
PUBLIC SCHOOLS EVALUATION, RECOGNITION AND SUPERVISION  
SUBPART A: SCHOOL RECOGNITION REQUIREMENTS

- |         |   |
|---------|---|
| Section |   |
| 1.10    | Public School Accountability Framework                                |
| 1.20    | Operational Requirements  |
| 1.30    | Quality Assurance Reviews   |
| 1.40    | Student Performance and School Improvement Requirements (Repealed)    |
| 1.50    | State Assessment  |
| 1.60    | Operational Compliance (Repealed)                                     |
| 1.70    | Effective Dates of Accreditation (Repealed)                           |
| 1.80    | Academic Early Warning and Watch Lists                                |
| 1.85    | Revisions to School Improvement Plans                                 |
| 1.90    | System of Rewards and Recognition                                     |
| 1.100   | Waiver and Modification of State Board Rules and School Code Mandates |

SUBPART B: SCHOOL GOVERNANCE

- |         |   |
|---------|---|
| Section |   |
| 1.210   | Powers and Duties                                       |
| 1.220   | Duties of Superintendent                                |
| 1.230   | Board of Education and the School Code                  |
| 1.240   | Equal Opportunities for all Students                    |
| 1.245   | Waiver of School Fees                                   |
| 1.250   | District to Comply with 23 Ill. Adm. Code 170 and 180   |
| 1.260   | Commemorative Holidays to be Observed by Public Schools |
| 1.270   | Book and Material Selection                             |
| 1.280   | Discipline  |
| 1.290   | Absenteeism and Truancy Policies                        |

SUBPART C: SCHOOL DISTRICT ADMINISTRATION

- |         |                                 |
|---------|---------------------------------|
| Section |                                 |
| 1.310   | Administrative Responsibilities |
| 1.320   | Duties                          |
| 1.330   | Hazardous Materials Training    |

SUBPART D: THE INSTRUCTIONAL PROGRAM

- |         |  |
|---------|--|
| Section |  |
| 1.410   | Determination of the Instructional Program |

STATE BOARD OF EDUCATION  
NOTICE OF PROPOSED AMENDMENTS

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| 1.420 | Basic Standards  |
| 1.430 | Additional Criteria for Elementary Schools                 |
| 1.440 | Additional Criteria for High Schools                       |
| 1.445 | Required Course Substitute                                 |
| 1.450 | Special Programs   |
| 1.460 | Credit Earned Through Proficiency Examinations             |
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| 1.465 | Ethnic School Foreign Language Credit and Program Approval |
| 1.470 | Adult and Continuing Education                             |
| 1.480 | Correctional Institution Educational Programs              |

SUBPART E: SUPPORT SERVICES

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|---------|-------------------------------------|
| Section |                                     |
| 1.510   | Transportation                      |
| 1.520   | School Food Services                |
| 1.530   | Health Services                     |
| 1.540   | Pupil Personnel Services (Repealed) |

SUBPART F: STAFF CERTIFICATION REQUIREMENTS

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|---------|---|
| Section |   |
| 1.610   | Public School Districts                 |
| 1.620   | Accreditation of Staff                  |
| 1.630   | Noncertificated Personnel               |
| 1.640   | Requirements for Different Certificates |
| 1.650   | Transcripts of Credits                  |
| 1.660   | Records of Professional Personnel       |

SUBPART G: STAFF QUALIFICATIONS

- |         |   |
|---------|---|
| Section |   |
| 1.705   | Minimum Requirements for Teachers   |
| 1.710   | Minimum Requirements for Elementary Teachers  |
| 1.720   | Minimum Requirements for Teachers of Middle Grades  |
| 1.730   | Minimum Requirements for Secondary Teachers and Specified Subject Area Teachers in Grades Six (6) and Above |
| 1.735   | Requirements to Take Effect on July 1, 1991   |
| 1.736   | Requirements to Take Effect on July 1, 1994   |
| 1.740   | Standards for Reading   |
| 1.750   | Standards for Media Services  |
| 1.760   | Standards for Pupil Personnel Services  |
| 1.770   | Standards for Special Education Personnel   |
| 1.780   | Standards for Teachers in Bilingual Education Programs  |
| 1.781   | Requirements for Bilingual Education Teachers in Grades K-12  |
| 1.782   | Requirements for Teachers of English as a Second Language in Grades K-12                                    |
| 1.790   | Substitute Teacher  |



## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

- APPENDIX A Professional Staff Certification  
 APPENDIX B Certification Quick Reference Chart  
 APPENDIX C Glossary of Terms  
 APPENDIX D State Goals for Learning  
 APPENDIX E Evaluation Criteria - Student Performance and School Improvement Determination (Repealed)  
 APPENDIX F Criteria for Determination - Student Performance and School Improvement (Repealed)  
 APPENDIX G Criteria for Determination - State Assessment (Repealed)

**AUTHORITY:** Implementing Sections 2-3.25, 2-3.25g, 2-3.43, 2-3.44, 2-3.46, 5-1, 10-17a, 10-20.14, 10-22.43a, 13A-5, 14C-8, 17-1.5, 26-13, 27-12.1, 27-13.1, 27-20.3, 27-20.4, 27-22, and 27-23.3 and Article 21 and authorized by Section 2-3.6 of the School Code [105 ILCS 5/2-3.25, 2-3.25g, 2-3.43, 2-3.44, 2-3.46, 5-1, 10-17a, 10-20.14, 10-22.43a, 13A-5, 14C-8, 17-1.5, 26-13, 27-12.1, 27-13.1, 27-20.3, 27-20.4, 27-22, 27-23.3, 2-3.6 and Art. 21].

**SOURCE:** Adopted September 21, 1977; codified at 7 Ill. Reg. 16022; amended at 9 Ill. Reg. 8608, effective May 28, 1985; amended at 9 Ill. Reg. 17766, effective November 5, 1985; emergency amendment at 10 Ill. Reg. 14314, effective August 18, 1986, for a maximum of 150 days; amended at 11 Ill. Reg. 3073, effective February 2, 1987; amended at 12 Ill. Reg. 4800, effective February 26, 1988; amended at 14 Ill. Reg. 12457, effective July 24, 1990; amended at 15 Ill. Reg. 2692, effective February 1, 1991; amended at 16 Ill. Reg. 18010, effective November 17, 1992; expedited correction at 17 Ill. Reg. 3553, effective November 17, 1992; amended at 18 Ill. Reg. 1171, effective January 10, 1994; emergency amendment at 19 Ill. Reg. 5137, effective March 17, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 6530, effective May 1, 1995; amended at 19 Ill. Reg. 11813, effective August 4, 1995; amended at 20 Ill. Reg. 6255, effective April 17, 1996; amended at 20 Ill. Reg. 15290, effective November 18, 1996; amended at 22 Ill. Reg. 22233, effective December 8, 1998; emergency amendment at 24 Ill. Reg. 6111, effective March 21, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 12985, effective August 14, 2000; amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: SCHOOL RECOGNITION REQUIREMENTS

## Section 1.100 Waiver and Modification of State Board Rules and School Code Mandates

- a) As authorized in Section 2-3.25g of the School Code [105 ILCS 5/2-3.25g], a school district or independent authority established pursuant to Section 2-3.25f of the School Code [105 ILCS 5/2-3.25f] or a Regional Superintendent of Schools applying on behalf of a school established pursuant to Article 13A of the School Code [105 ILCS 5/Art. 13A] may petition for:

- 1) State Board approval of waivers or modifications of State Board of Education rules and of modifications of School Code mandates

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

to allow a district to meet the intent of the rule or mandate in a more effective, efficient or economical manner or when necessary to stimulate innovation or to improve student performance; and/or

- 2) General Assembly approval of waivers of School Code mandates as necessary to stimulate innovation or improve student performance.

- b) "The School Code" comprises only those statutes compiled at 105 ILCS 5. Waivers from State Board rules or School Code mandates pertaining to special education, teacher certification, or teacher tenure and seniority are not permitted in Section 2-3.25g of the School Code. Waivers of mandates contained in Section 3-1 of the School Code [105 ILCS 5/3-1] also shall not be requested.

- c) Each application for a waiver or modification shall provide the following, on a form supplied by the State Board of Education.

- 1) Identification of the rule(s) or mandate(s) involved, either by quoting the exact language of or by providing a citation to the rule(s) or mandate(s) at issue. Districts unable to determine the exact language or citation may obtain a copy of, or citation to, the rule(s) or mandate(s) involved by contacting the State Board of Education Legal Department by mail at 100 North First Street, Springfield, Illinois, 62777-0001, or by telephone at 217-782-5270; or by \_\_\_\_\_ Internet: \_\_\_\_\_ to \_\_\_\_\_.

- 2) Identification as to the specific waiver(s) and/or modification(s) sought. For modifications, the specific modified wording of the rule(s) or mandate(s) must be stated.

- 3) Identification as to whether the request is for an initial waiver or modification or for the renewal of a previously approved request.

- 4) For requests based upon meeting the intent of the rule or mandate in a more effective, efficient, or economical manner, a narrative description which sets forth:

- A) the intent of the rule or mandate to be achieved,  
 B) the manner in which the district will meet that intent,  
 C) how the manner proposed by the district will be more effective, efficient or economical, and  
 D) if the district proposes a more economical manner, a fiscal analysis showing current expenditures related to the request and the projected savings that would result from approval of the request.

- 5) If the request is necessary for stimulating innovation or improving student performance, the request must include the specific plan for improved student performance and school improvement upon which the request is based. This plan must include a description of how the district will determine success in the stimulation of innovation or the improvement of student performance.

- 6) If the request is for a waiver of the administration expenditure

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

limitation established by Section 17-1.5 of the School Code. [105 ICS 5717-1.5], the request must include the amount, nature, and reason for the requested relief and all remedies that have been exhausted to comply with the administration expenditure limitation and shall otherwise comply with Section 17-1.5(d) of the School Code.

7e) The time period for which the waiver or modification is sought.

Pursuant to Section 2-3.25g of the School Code, such time period may not exceed five years, except for requests made pursuant to subsection (c)(6) of this Section, which may not exceed one year (Section 17-1.5(d) of the School Code).

8) A description of the public hearing held to take testimony about the request from educators, parents and students, which shall include the number and affiliation of persons and organizations giving testimony and the general nature of the testimony provided.

9a) An assurance stating the date(s) of the public hearing(s) on the application and, if applicable, specific plan for improved student performance and school improvement, held as prescribed in Section 2-3.25g of the School Code, and stating the date the application (and, if applicable, the plan) was approved by the local board of education.

d) Each applicant must attach to the application a copy of the notice published in a newspaper of general circulation and a copy of the written notification provided to the applicant's collective bargaining agent, each of which must comply with the requirements of Section 2-3.25g of the School Code.

e) Applications must be sent by certified mail, return receipt requested, and addressed as specified on the application form.

f) Applications must be postmarked not later than 15 calendar days following local board of education approval. Applications addressed other than as specified on the application form shall not be processed.

g) Applications for the waiver or modification of State Board rules or for the modification of School Code mandates shall be deemed approved and effective 46 calendar days after the date of receipt by the State Board of Education unless disapproved in writing. Receipt by the State Board shall be determined by the date of receipt shown on the return receipt form, except in the case of an incomplete application.

1) A district submitting an incomplete application shall be contacted by staff of the State Board regarding the need for additional information.

2) The 45-day response time referred to in this subsection (f) shall not commence until the district submits the additional material requested by the State Board, which shall be sent by certified mail, return receipt requested.

3) Incomplete requests will not be considered.

h) The State Board may disapprove a request for the waiver or

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

modification of State Board rules or for the modification of School Code mandates if the request:

- 1) is not based upon sound educational practices,
- 2) endangers the health or safety of students or staff,
- 3) compromises equal opportunities for learning, or
- 4) does not address the intent of the rule or mandate in a more effective, efficient or economical manner or does not have improved student performance as a primary goal.

1b) Disapproval of an application for a waiver or modification of a State Board rule or for a modification of a School Code mandate shall be sent by certified mail to the applicant no later than 45 calendar days after receipt of the application by the State Board. An applicant wishing to appeal the denial of a request may do so within 30 calendar days after receipt of the denial letter by sending a written appeal by certified mail to the Illinois State Board of Education, Research Division Quality Review and School Accreditation, 100 North First Street, S-284, Springfield, Illinois 62777-0001. The written appeal shall include the date the local school board approved the original request, the citation of the rule or School Code section involved, and a brief description of the issue. Appeals of denials shall be submitted to the General Assembly in the semiannual report required under Section 2-3.25g of the School Code.

1c) Applications for General Assembly approval of waivers of School Code mandates will be reviewed for completeness. Each incomplete application shall be returned to the applicant with an explanation as to the deficiencies. Complete applications shall be submitted to the General Assembly in the semiannual report required under Section 2-3.25g of the School Code. The State Board of Education shall periodically notify school districts of the date by which applications must be postmarked in order to be processed for inclusion in the next report to the General Assembly.

1d) The State Board of Education shall notify Regional Superintendents of Schools of the disposition of requests for waivers or modifications submitted by school districts located within their regions.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## NOTICE OF PROPOSED AMENDMENTS

## OFFICE OF THE STATE FIRE MARSHAL

1) Heading of the Part: Storage, Transportation, Sale and Use of Petroleum and Other Regulated Substances

2) Code Citation: 41 Ill. Adm. Code 170

3) Section Numbers:  
170.210 Proposed Action:  
170.211 Amendment  
170.212 New Section  
New Section

4) Statutory Authority: Implementing the Gasoline Storage Act [430 ILCS 15] and authorized by Section 2 of the Gasoline Storage Act [430 ILCS 15/2].

5) A Complete Description of the Subjects and Issues Involved: P.A. 91-851 required the Office of the State Fire Marshall to adopt standards for fueling of motor vehicles from portable tank trucks in counties with a certain population and those counties adjacent to such counties. This rule implements that requirement and sets annual fees.

6) Will this rulemaking replace any emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this Part? No

10) Statement of Statewide Policy Objectives: Not applicable

11) Time, Place and Manner in which interested persons may comment on this Proposed rulemaking: Persons wishing to comment on this proposed rule may do so in writing within 45 days of publication to:

Mr. Jack Ahern  
Deputy State Fire Marshall  
Division of Fire Prevention  
Office of the State Fire Marshall  
100 W. Randolph Street, Ste. 11-800  
Chicago, IL 60601  
312/814-2693

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Petroleum marketers, and persons wishing to have fuel delivered to motor vehicles on site.

B) Reporting, bookkeeping or other procedures required for compliance:

## NOTICE OF PROPOSED AMENDMENTS

## OFFICE OF THE STATE FIRE MARSHAL

None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: January 2001

The full text of the Proposed Amendments begins on the next page:



## NOTICE OF PROPOSED AMENDMENTS

## OFFICE OF THE STATE FIRE MARSHAL

TITLE 41: FIRE PROTECTION  
CHAPTER I: OFFICE OF THE STATE FIRE MARSHALPART 170  
STORAGE, TRANSPORTATION, SALE AND USE OF  
PETROLEUM AND OTHER  
REGULATED SUBSTANCES

## SUBPART A: MISCELLANEOUS

Section	
170.10	Definitions
170.11	Incorporation of National Standards
170.13	Bulk Sales Prohibited
170.20	Storage Underground and Limited (Repealed)
170.30	Settling of Tanks (Repealed)
170.40	Clearance Required for Underground Tanks (Repealed)
170.41	Location (Repealed)
170.50	Material and Construction of Tanks (Repealed)
170.60	Venting of Tanks (Repealed)
170.65	Underground Tank Installations (Repealed)
170.70	Fill Pipes (Repealed)
170.71	Registration of Underground Storage Tanks and Payment of Annual Fee (Repealed)
170.72	Late Registration Fee (Repealed)
170.75	Abandonment of Underground Storage Tanks (Renumbered)
170.76	Leaking Underground Tanks (Repealed)
170.80	Unloading Operations
170.90	Pumps (Repealed)
170.91	Labeling of Containers and Pumps
170.100	Piping (Repealed)
170.105	Approval of Plans (Repealed)
170.106	Installer, Repairer or Remover of Underground Storage Tanks (Repealed)
170.107	Tester of Underground Storage Tanks and Cathodic Protection (Repealed)
170.108	Pressure Testing (Repealed)
170.110	Building
170.115	Safe Heat Required
170.120	No Flammable or Combustible Liquids Within Building - Exception
170.130	Greasing Pits
170.140	Wash and Greasing Rooms
170.145	Fire Extinguishers
170.150	Self-Service - No Self-Service Without Permit; Procedures and Regulations
170.160	Care and Attendance
170.170	Fire Extinguishers (Repealed)
170.180	Sale of Fireworks

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170.190	Approval of Plans (Repealed)
170.200	Defective Equipment
170.210	Deliveries from Portable Tanks Restricted
170.211	Dispensing or Delivery of Flammable or Combustible Motor Vehicle Fuels from Tank Vehicles
170.212	Requirements for Permit to Fuel Motor Vehicles from Portable Tank Trucks and Tank Wagons
170.310	Unattended Self-Service Other Than Fleet Operations

## SUBPART B: UNDERGROUND STORAGE TANKS--TECHNICAL REQUIREMENTS

Section	
170.400	Definitions
170.410	Incorporations by Reference
170.411	USTs Out of Operation One Year
170.412	Delegation of Authority to Enforce UST Rules and Regulations
170.420	Design, Construction, Installation and Notification of New UST Systems
170.421	Piping
170.422	Clearance Required for Underground Storage Tanks
170.423	Pressure Testing
170.424	Venting of Tanks
170.425	Fill Pipes
170.426	Pumps
170.427	Defective or Non-Compliant Equipment
170.428	General Requirements for UST Fuel Dispensing Systems
170.430	Upgrading of Existing UST Systems
170.431	Limitation on Interior Lining of USTs
170.440	Notification Requirements for Purposes of UST Registration
170.441	Payment of 1988 Annual UST Fee
170.442	UST Registration Fees
170.450	Spill and Overfill Release Control
170.460	Operation and Maintenance of Corrosion Protection
170.470	UST Compatibility with Product Stored
170.480	Repairs Allowed
170.481	Emergency Repairs
170.490	Reporting and Recordkeeping
170.500	General Release Detection Requirements for All UST Systems
170.510	Release Detection Requirements for Petroleum UST Systems
170.520	Release Detection Requirements for Hazardous Substance UST Systems
170.530	Methods of Release Detection for Tanks
170.540	Methods of Release Detection for Piping
170.541	Installer, Repairer, Refiller or Remover of USTs and Obtaining Permits
170.542	Site Plans
170.543	Notification and Establishment of Time Certain and Date Certain for Underground Storage Tank Activity
170.544	Tester of Underground Storage Tanks and Cathodic Protection
170.545	USTs Inside or Under Buildings

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170.546 UST Restrictions at Service Stations  
 170.550 Release Detection Recordkeeping  
 170.560 Reporting of Suspected Releases  
 170.570 Investigation Due to Off-Site Impacts  
 170.580 Release Investigation and Confirmation Steps  
 170.590 Reporting and Cleanup of Spills and Overfills  
 170.600 Initial Response for UST Systems Containing Petroleum or Hazardous Substances  
 170.610 Initial Abatement Measures and Site Assessment  
 170.620 Temporary Out-of-Service Status for UST Systems  
 170.630 Change-in-Service of UST Systems  
 170.640 Assessing the Site at Removal or Change-in-Service of UST Systems  
 170.650 Applicability to Previously Removed UST Systems  
 170.660 Removal or Change-in-Service Records  
 170.670 Removal or Abandonment-in-Place of Underground Storage Tanks  
 170.672 Pre-'74 and Heating Oil USTs

## SUBPART C: UNDERGROUND STORAGE TANKS--FINANCIAL RESPONSIBILITY REQUIREMENTS

Section  
 170.700 Definitions  
 170.705 Incorporation by Reference  
 170.710 Applicability  
 170.720 Amount  
 170.730 Mechanisms of Financial Responsibility  
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 170.750 Substitution of Financial Responsibility Mechanisms by an Owner or Operator  
 170.760 Cancellation or Non-Renewal by a Provider of Financial Assurance  
 170.770 Reporting by Owner or Operator  
 170.780 Recordkeeping  
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 170.795 Bankruptcy or Other Incapacity of Owner or Operator, or Provider of Financial Assurance

SUBPART D: UNDERGROUND STORAGE TANKS--ADMINISTRATIVE  
 PROCEDURE RULES FOR ORDERS ISSUED BY THE DIVISION OF PETROLEUM AND  
 CHEMICAL SAFETY

Section  
 170.800 Definitions  
 170.810 Grounds and Time for Appeal  
 170.820 Notice of Hearing  
 170.830 Appearances  
 170.840 Official Notice  
 170.850 Authority of Hearing Officer  
 Evidence to be presented by the Owner to Object to the Denial or  
 170.860 Revocation of the Registration of an Underground Storage Tank (UST)

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(Repealed)  
 170.870 Briefs  
 170.880 Transcripts  
 170.890 Order of the State Fire Marshal  
 170.900 Authority to Enforce Administrative Orders and Assess Fines  
 170.900 Suspension or Revocation of the License of a Contractor and  
 170.910 Assessment of Fines Against a Contractor or Employee of a Contractor  
 for Violations of Subpart B or E  
 170.920 Assessment of Fines Against Non-Contractors for Violations of Subpart  
 B  
 170.930 Assessment of Fines Against an Owner, Operator or Provider for  
 Violations of Subpart C  
 170.940 Hearing Officer Guidelines for Suspension, Revocation or Assessment  
 of Fines

## SUBPART E: LICENSING, CERTIFICATION AND IDENTIFICATION CARDS

Section  
 170.1000 Definitions  
 170.1100 Contractor Licensing  
 170.1200 Contractor and Employee Certification  
 170.1300 Possession of OSHA Identification Cards by Certified Individual  
 Contractors and Certified Employees of Contractors

APPENDIX A Checklist for Underground Storage Tank Installation  
 APPENDIX B Checklist for Underground Storage Tank Reline  
 APPENDIX C Checklist for Underground Storage Tank Removal  
 APPENDIX D Checklist for Abandonment-in-Place of Underground Storage Tanks  
 Guidelines for Marinas  
 APPENDIX E Required Job Schedule for Cathodic Protection Upgrade  
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 APPENDIX G Required Job Schedule for Underground Storage Tank Installation  
 APPENDIX H Required Checklist for Underground Storage Tank System Upgrade  
 APPENDIX I Required Phase-in of Release Detection  
 TABLE A Schedule for Phase-in of Release Detection  
 TABLE B Manual Tank Gauging: Weekly and Monthly Standards

AUTHORITY: Implementing the Gasoline Storage Act (430 ILCS 15) and authorized  
 by Section 2 of the Gasoline Storage Act (430 ILCS 15/2).

SOURCE: Rules and Regulations Relating to Service Stations filed July 10,  
 1958; amended March 6, 1963 and April 4, 1977; codified at 5 Ill. Reg. 10692;  
 emergency amendment at 7 Ill. Reg. 1477, effective January 26, 1983, for a  
 maximum of 150 days; emergency expired June 25, 1983; emergency amendment at 8  
 Ill. Reg. 10059, effective June 29, 1984, for a maximum of 150 days; emergency  
 expired November 26, 1984; amended at 9 Ill. Reg. 9514, effective October 1,  
 1985; emergency amendment at 10 Ill. Reg. 345, effective January 1, 1986, for a  
 maximum of 150 days; emergency expired June 1, 1986; emergency amendment at 10  
 Ill. Reg. 12324, effective July 2, 1986, for a maximum of 150 days; emergency

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expired November 29, 1986; amended at 10 Ill. Reg. 19976, effective January 5, 1987; amended at 12 Ill. Reg. 8023, effective April 26, 1988; emergency amendments at 13 Ill. Reg. 1886, effective January 27, 1989, for a maximum of 150 days; emergency expired June 26, 1989; amended at 13 Ill. Reg. 5669, effective April 21, 1989; amended at 13 Ill. Reg. 7744, effective May 9, 1989; amended at 13 Ill. Reg. 8515, effective May 23, 1989; amended at 13 Ill. Reg. 8875, effective May 24, 1989; amended at 13 Ill. Reg. 14992, effective September 11, 1989; amended at 14 Ill. Reg. 5781, effective April 10, 1990; amended at 15 Ill. Reg. 7042, effective April 29, 1991; amended at 16 Ill. Reg. 4845, effective March 12, 1992; emergency amendment at 17 Ill. Reg. 1186, effective January 12, 1993, for a maximum of 150 days; emergency expired June 11, 1993; amended at 19 Ill. Reg. 5467, effective April 17, 1995; amended at 20 Ill. Reg. 4698, effective March 1, 1996; amended at 21 Ill. Reg. 8945, effective July 15, 1997; amended at 22 Ill. Reg. 21339, effective December 1, 1998; amended at 24 Ill. Reg. 12462, effective August 1, 2000; amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: MISCELLANEOUS

## Section 170.210 Deliveries from Portable Tanks Restricted

- a) All flammable and combustible liquid motor vehicle fuels must be stored underground at service stations and other locations where fuels are dispensed or delivered into fuel tanks of motor vehicles, except as provided in this Section and 41 Ill. Adm. Code 180. Occasional delivery of less than 6 gallons of fuel for emergencies (e.g., when a car or truck has run out of fuel) is allowed. Emergency deliveries of Class I, II and III liquid motor vehicle fuel shall be from approved containers as defined in Section 170.150(d)(7)(G) and (I).
- b) Dispensing or delivery of flammable or combustible motor vehicle fuels from tank trucks, tank wagons, or other portable tanks is prohibited except as follows for:
  - 1) Agricultural use (farm use) as defined in Section 180.20;
  - 2) Construction sites for refueling construction equipment used only at the construction site (this exception does not apply to trucks or passenger cars which have license plates attached and may be driven to service stations);
  - 3) Emergency deliveries; and
  - 4) Airports for fueling of aircraft as defined in 41 Ill. Adm. Code 180.23; and
- 5) As provided in Sections 170.211 and 170.212.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

## Section 170.211 Dispensing or Delivery of Flammable or Combustible Motor Fuels from Tank Vehicles

## NOTICE OF PROPOSED AMENDMENTS

## OFFICE OF THE STATE FIRE MARSHAL

Dispensing or delivery of flammable or combustible motor vehicle fuels from tank vehicles is allowed at sites used for the parking, operation, or maintenance of a commercial vehicle fleet under the following conditions:

- a) The site is located in a county with 3,000,000 or more inhabitants, or a county contiguous to a county with 3,000,000 or more inhabitants.
- 1) The site is not normally accessible to the public and has been approved by the Office of the State Fire Marshal.
- 2) The vehicles being fueled are part of a fleet of commercial vehicles that are normally parked, operated or maintained at the fueling site.
- 3) An inspection of the fueling site has been made and approval granted in the form of a permit issued by the Office.
- 4) Electrical devices and wiring in areas where fuel is dispensed must be in accordance with NFPA 70 National Electrical Code (1999 ed.).
- 5) Dispensing locations must be at least 50 feet from structures or combustible storage, including structures or storage on adjacent properties.
- 6) Signs must be posted prohibiting smoking or open flames within 25 feet of the fuel tanker and the point of fueling.
- b) The fuel tanker is owned and operated by a company licensed to perform mobile fueling by the Office of the State Fire Marshal.
- c) The fuel tanker complies with the requirements of NFPA 385 Standard for Tank Vehicles for Flammable and Combustible Liquids (2000 ed.) and has been approved by the Office.
- d) The fuel tanker displays a mobile-fueling sticker issued by the Office of the State Fire Marshal.
- e) The dispensing hose does not exceed 50 ft. in length.
- f) The dispensing nozzle is a listed automatic-closing type with a latch-open device.
- g) Nighttime deliveries shall only be made in adequately lighted areas.
- h) The fuel tanker's flasher lights shall be in operation while dispensing.
- i) Fuel expansion space shall be left in each fuel tank to prevent overflow in the event of temperature increase.

(Source: Added at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

## Section 170.212 Requirements for Permit to Fuel Motor Vehicles from Portable Tank Trucks and Tank Wagons

- a) The person, company or other entity proposing to deposit fuel into tanks of motor vehicles from tanker trucks or wagons must first have a permit from the Office. A permit will be granted under the following circumstances:
  - 1) The person or other entity must apply for a permit giving the following information:



## NOTICE OF PROPOSED AMENDMENTS

## OFFICE OF THE STATE FIRE MARSHAL

- A) The name of business, proof of good standing if a corporation, proof of compliance with the Assumed Name Act if applicable and the principal address of the business.
- B) Proof that the vehicles used for the fueling are in compliance with Section 170.211.
- C) Evidence that employees have knowledge of the requirements contained in Section 170.211.
- D) An annual fee of \$500 shall be charged from each person or entity engaging in fueling from portable tank trucks or wagons for the period from January 1 to December 31 of each calendar year.

2) Each vehicle used for fueling must comply with Section 170.211.

- A) Each vehicle shall be inspected and a decal or other evidence issued by the Office permanently attached to the vehicle.
- B) No other vehicles shall be allowed to engage in such fueling.

- C) If a vehicle is replaced or vehicles added they shall not engage in fueling until an inspection is made to determine compliance and new evidence of compliance for the vehicle issued.

- D) An annual fee of \$100 shall be charged for each vehicle engaged in such fueling. Replacement vehicles shall be charged at the same rate. The evidence of compliance shall be for January 1 through December 31.

- b) Each location where fueling from portable tankers is conducted, shall be inspected by the Office. No fueling from portable tankers shall take place until the location for the fueling is approved by the Office.

1) The owner/lessee or other person who has vehicles to be fueled by portable tanker shall pay the Office an annual fee for each location where the fueling will take place. Fees shall be based upon the following:

Number of vehicles fueled	Annual Fee
1-25	\$100
26-50	\$200
51-100	\$300
101 or more	\$400

- 2) The locations shall be approved if they meet the requirements of Section 170.211.

- 3) The location must be approved annually.

(Source: Added at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Food Stamps
- 2) Code Citation: 89 Ill. Adm. Code 121
- 3) Section Numbers: 121.63  
Proposed Action: Amendment

- 4) Statutory Authority: Implementing Sections 12-4-4 through 12-4-6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13].

- 5) A. Complete Description of the Subjects and Issues involved: The Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act provides that the Maximum Excess Shelter Deduction increase to \$340 effective 03/01/01.

- 6) Will this proposed amendment replace an emergency amendment currently in effect? No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Does this proposed amendment contain incorporations by reference? No

- 9) Are there any other amendments pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
121.60	Amendment	24 Ill. Adm. 15405, 10/20/00
121.61	Amendment	24 Ill. Adm. 15405, 10/20/00
121.63	Amendment	24 Ill. Adm. 15405, 10/20/00
121.64	Amendment	24 Ill. Adm. 15405, 10/20/00
121.63	Emergency Amend.	25 Ill. Adm. 2439, 2/9/01

- 10) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate.

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the Illinois Register. All requests and comments should be submitted in writing to:

Ms. Susan Weir, Bureau Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue East  
3rd Floor, Harris Bldg.  
Springfield, IL 62762  
(217) 785-9772

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

## 12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary form compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized:

The full text of the Proposed Amendment is identical to the Emergency Amendment on page 3709 of the Illinois Register:

## DEPARTMENT OF INSURANCE

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of Part: Definitions of the Terms "Noncancellable", "Noncancellable and Guaranteed Renewable" and "Guaranteed Renewable"
- 2) Code Citation: 50 Ill. Adm. Code 2003
- 3) Section Numbers: Proposed Action:  
 2003.10 Amendment  
 2003.20 Amendment  
 2003.25 New Section  
 2003.30 Amendment  
 2003.40 Amendment  
 2003.50 Amendment  
 2003.60 Amendment  
 2003.70 Amendment  
 2003.80 Amendment

- 4) Statutory Authority: Implementing and authorized by Sections 143, 149 and 357.5 and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/143, 149, 357.5 and 401].

- 5) A. Complete Description of the Subjects and Issues Involved: The purpose of these amendments is to address the changes in the law as a result of the adoption of Illinois Health Insurance Portability and Accountability Act (HIPAA) [215 ILCS 97] and clarify the difference between advertising a product as guaranteed renewable versus the treatment given under HIPAA.

- 6) Will this proposed Amendment replace an emergency rule currently in effect? No

- 7) Does this Amendment contain an automatic repeal date? No

- 8) Does this proposed Amendment contain incorporations by reference? No

- 9) Are there any other proposed amendments pending on this Part? No

- 10) Statement of Statewide Policy Objectives: This rule will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

Chuck Feinen  
 Staff Attorney  
 Department of Insurance  
 320 West Washington  
 Springfield, Illinois 62767-0001

Denise Hamilton  
 Rules Unit Supervisor  
 Department of Insurance  
 320 West Washington  
 Springfield, Illinois 62767-0001

## DEPARTMENT OF INSURANCE

## NOTICE OF PROPOSED AMENDMENTS

(217) 557-1396 (217) 785-8560

## 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Insurance companies providing the regulated coverage.

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent agendas because: the necessity for clarification was not readily apparent at the time of the last regulatory agenda submission.

The full text of the Proposed Amendments begins on the next page:

## DEPARTMENT OF INSURANCE

## NOTICE OF PROPOSED AMENDMENTS

TITLE 50: INSURANCE

CHAPTER I: DEPARTMENT OF INSURANCE

SUBCHAPTER 2: ACCIDENT AND HEALTH INSURANCE

## PART 2003

DEFINITIONS OF THE TERMS "NONCANCELLABLE,"  
"NONCANCELLABLE AND GUARANTEED RENEWABLE,"  
AND "GUARANTEED RENEWABLE"

Section	Authority
2003.10	Applicability
2003.20	Definitions
2003.25	Requirements if the Term Definitions-of "Noncancellable" Is Used in a Policy or Advertisement etc
2003.30	Requirements if the Term Definition-of "Guaranteed Renewable" Is Used in a Policy or Advertisement
2003.40	Synonyms
2003.50	Medicare Exception
2003.60	Other Guarantees
2003.70	Effective Date
2003.80	

AUTHORITY: Implementing Sections 143, 149 and 357.5 and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/143, 149, 357.5 and 401].

SOURCE: Filed December 14, 1965, effective December 28, 1965; codified at 7 Ill. Reg. 3472; amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 2003.10 Authority

This Part is issued by the Director of Insurance pursuant to Section 401 of the Illinois Insurance Code, and it implements Sections 143, 149 and 357.5 of the Illinois Insurance Code by establishing requirements for the use definitions of the terms "noncancellable", "noncancellable and guaranteed renewable", and "guaranteed renewable", as recommended by the National Association of Insurance Commissioners, when such terms are used in individual and family accident and health insurance policies and in the advertising thereof.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 2003.20 Applicability

This Part shall apply to all companies transacting in this State ~~state~~ the kinds of business enumerated in ~~clause (b) of class 1 and clause (a) of class 2~~ of Section 4, Class 1(b) and Class 2(a) of the Illinois Insurance Code [215 ILCS 5/4] (~~Ill. Rev. Stat.:1987-ch-73-par-616~~) and to all other "persons"



## DEPARTMENT OF INSURANCE

## NOTICE OF PROPOSED AMENDMENTS

as defined in Section 422 of the Illinois Insurance Code [215 ILCS 5/422] (Rev. 1987-CH-73-par-1029) who are engaging in an accident and health insurance business in this State ~~state~~. However, this Part does not affect policies that must meet guaranteed renewability requirements established by Section 50 of the Illinois Health Insurance Portability and Accountability Act [215 ILCS 97/50], if the terms regulated by this Part are not used in the policy or the advertising of the policy.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 203.25 Definitions

Advertisement means any printed or published material, audiovisual material and descriptive literature of the health care plan used in direct mail, newspapers, magazines, radio scripts, television scripts, billboard, websites, electronic mail and similar displays; and any descriptive literature or sales aids of all kinds disseminated by a representative of the health care plan for presentation to the public, including, but not limited to, circulars, leaflets, booklets, depictions, illustrations, form letters and prepared sales presentations and any other written or oral representations delivered by any means.

Code means the Illinois Insurance Code [215 ILCS 5].

Director means the Director of the Illinois Department of Insurance.

Policy means all or any part of the forms constituting the contract between the insurer and the insured, including the policy, certificate, subscriber contract, riders, endorsements, and the application if attached, that are subject to filing with and approval by the Director.

(Source: Added at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 203.30 Requirements if the Term Definitions-of "Noncancellable" Is Used in a Policy of Advertisment-etc.

If the terms "noncancellable" or "noncancellable and guaranteed renewable" are ~~may be used only~~ in a policy, or in the advertising of a policy, which the insured has the right to continue in force by the timely payment of premiums set forth in the policy:

- until at least age 50, or
- in the case of a policy issued after age 44, for at least five years from its date of issue, during which period the company has no right to make unilaterally any change in any provision of the policy while

## DEPARTMENT OF INSURANCE

## NOTICE OF PROPOSED AMENDMENTS

the policy is in force.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 203.40 Requirements if the Term Definition-of "Guaranteed Renewable" Is Used in a Policy of Advertisment

Except as provided above, the term "guaranteed renewable" may be used only in a policy, or in the advertising of a policy, that which the insured has the right to continue in force by the timely payment of premiums:

- until at least age 50, or
- in the case of a policy issued after age 44, for at least five years from its date of issue, during which period the company has no right to make unilaterally any change in any provision of the policy while the policy is in force, except that the company may make changes in premium rates by classes. Any such change in rates shall be filed with the Director pursuant to Section 355 of the Code [215 ILCS 5/355] (Rev. Stat. 1987-CH-73-par-967).

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 203.50 Synonyms

The foregoing limitations ~~limitation~~ on use of the term "noncancellable" shall also apply to any synonymous term such as "not cancellable", and the limitation on use of the term "guaranteed renewable" shall apply to any synonymous term such as "guaranteed continuable".

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 203.60 Medicare Exception

The requirements ~~definitions~~ in Sections 203.30 and 203.40 of this Part are not intended to preclude the issuance of hospital, surgical and medical coverages which may be classified as "noncancellable", "noncancellable and guaranteed renewable" or "guaranteed renewable" to the date of eligibility for benefits under Title XVIII of the Social Security Act, Health Insurance for the Aged Act (42 USC 658-6r 1395 et seq.), commonly known as Medicare, provided the policy contains a definition of such date of eligibility, such as: "the day before the date of eligibility for any coverage under Title XVIII of the Social Security Act as amended", or similar language. Where loss-of-time and hospital-medical-surgical coverages are issued in a combination policy, the hospital-medical-surgical coverages may be classified as "noncancellable", "noncancellable and guaranteed renewable" or "guaranteed renewable" to the date of eligibility for benefits under Title XVIII of the Social Security Act

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without so limiting the loss-of-time coverage in the same policy.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 2003.70 Other Guarantees

Nothing herein contained within this Part is intended to restrict the development of policies having other guarantees of renewability, or to prevent the accurate description of their terms of renewability or the classification of such policies as guaranteed renewable or noncancellable for any period during which they may actually be such, provided the terms used to describe them in policy contracts and advertising are not such as may readily be confused with the above terms.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 2003.80 Effective Date

This Part shall be effective and apply to all individual and family accident and health insurance policies issued or issued for delivery in this State state and the advertising of those policies thereof on and after December 28, 1965.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: The Illinois Oil and Gas Act

2) Code Citation: 62 Ill. Adm. Code 240

3) Section Numbers: Proposed Action:

240.10	Amend
240.140	Amend
240.160	Amend
240.185	Amend
240.186	New
240.190	Amend
240.195	Amend
240.251	Amend
240.610	Amend
240.630	Amend
240.710	Amend
240.760	Amend
240.780	Amend
240.810	Amend
240.870	Amend
240.875	Amend
240.880	Amend
240.890	Amend
240.891	Amend
240.895	Amend
240.940	Amend
240.945	New
240.1115	New
240.1130	Amend
240.1131	Repeal
240.1132	New
240.1440	Amend
240.1600	Amend
240.1610	Amend
240.1625	Amend
240.1630	Amend
240.1640	Amend

4) Statutory Authority: Implementing and authorized by Sections 6 and 8a of The Illinois Oil and Gas Act [225 ILCS 725/6 and 8a].

5) A Complete Description of the Subjects and Issues Involved: Section 240.10 clarifies the definition of "well" to include all types of wells covered by the Act.

Section 240.140 clarifies the length of time for an operator to comply with a notice of non-compliance to take into account weather conditions.

DEPARTMENT OF NATURAL RESOURCES  
NOTICE OF PROPOSED AMENDMENTS

This proposed rule also reflects reference changes to other Sections of these rules.

Section 240.160 changes the method of calculation and amounts of civil penalties to allow for increased enforcement of certain types of environmental violations.

Section 240.185 clarifies this rule to define oil production activity as the activity impacted by the cessation order. This amendment also revises the cessation order procedures to better track the cessation order provisions in the Act.

Section 240.186 adds a new Section to clarify the two types of cessation orders in the Act: Cessation of oil production activities as specified in 240.185 and cessation of activities which are endangering the environment as outlined in this Section.

Section 240.190 establishes a time frame for length of temporary relief from cessation order.

Section 240.195 allows for pre-payment of witness fees utilizing a state voucher.

Section 240.251 clarifies results of permit revocation procedures.

Section 240.610 allows for staff flexibility in witnessing the setting of surface casing in an oil production well.

Section 240.630 clarifies the requirements to operate wells in accordance with permit conditions.

Section 240.710 allows for staff flexibility in witnessing the setting of surface casing in a Class II Injection well.

Section 240.760 clarifies mechanical integrity testing requirements to include well workers and clarify testing schedules for untested wells.

Section 240.780 clarifies the reporting frequency of injection on well status report.

Section 240.810 establishes additional requirements for operation and construction of tank batteries.

Section 240.870 clarifies the party responsible for plugging leaking unpermitted drill holes.

Section 240.875 clarifies the party responsible for plugging leaking previously plugged wells.

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Section 240.880 changes the reference to a revised Section.

Section 240.890 requires submission by the oil operator of a report outlining the extent and cleanup activities undertaken for crude oil spills.

Section 240.891 clarifies spill remediation requirements in accordance with MOU with IDNR and IEPA regarding crude oil and brine spills.

Section 240.995 requires submission by the oil operator of a report outlining the extent and cleanup activities undertaken for saltwater spills.

Section 240.940 clarifies disposal options for crude oil bottom sediments and transfers lease road oiling provisions to a new Section 240.945.

Section 240.945 is a new Section for lease road oiling requirements previously contained in 240.940.

Section 240.1115 is a new Section that specifies the party responsible to plug oil and gas production, Class II injection and gas storage wells.

Section 240.1130 clarifies conditions under which oil and gas wells qualify for temporary abandonment status.

Section 240.1131 is being repealed because the provisions in this Section are contained in other Sections of the Act.

Section 240.1132 is a new Section that specifies when an inactive Class II UIC Injection well shall be plugged.

Section 240.1440 clarifies the reference to a previously amended Section.

Section 240.1600 expands the definition of well abandonment in accordance with the Act and other Sections of the rules.

Section 240.1610 clarifies oil operators' right to counsel during Department hearings.

Section 240.1625 clarifies the types of abandoned facilities permitted to be cleaned up through the Landowner Grant Program.

Section 240.1630 clarifies the party responsible for Department cost recovery following emergency plugging or repair work at production facilities.

Section 240.1640 clarifies the party responsible and specific conditions under which the Department will seek cost recovery for emergency clean up



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projects undertaken by the Department.

6) Will this rulemaking replace any emergency amendment currently in effect?

No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice to:

Lawrence E. Bengal  
Department of Natural Resources  
Office of Mines and Minerals  
524 S. Second Street  
Springfield IL 62701-1787  
217/782-1809

The Office of Mines and Minerals will hold a public hearing on the proposed rulemaking on March 22, 2001 at 11:00 a.m. at the Ramada Inn, 1202 N. Keller Drive, Effingham, Illinois.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: The proposed rules impact the regulated community consisting of approximately 1200 oil and gas producers operating primarily in southern Illinois.

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: January 2001

The full text of the Proposed Amendments begins on the next page:

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## TITLE 62: MINING

## CHAPTER I: DEPARTMENT OF NATURAL RESOURCES

## PART 240

## THE ILLINOIS OIL AND GAS

## ACT

## SUBPART A: GENERAL PROVISIONS

Section	Definitions
240.10	Prevention of Waste (Repealed)
240.20	Jurisdiction (Repealed)
240.30	Enforcement of Act (Repealed)
240.40	Delegation of Authority (Repealed)
240.50	Right of Inspection (Repealed)
240.60	Right of Access (Repealed)
240.70	Sworn Statements (Repealed)
240.80	Additional Reports (Repealed)
240.90	When Rules Become Effective (Repealed)
240.100	Notice of Rules (Repealed)
240.110	Forms (Repealed)
240.120	Hearings--Notices (Repealed)
240.130	Unitization Hearings
240.131	Integration Hearings
240.132	Hearings to Establish Pool-Wide Drilling Units
240.133	Violations Not Requiring Formal Action
240.140	Civil Complaint
240.150	Director's Decision
240.155	Cessation Order
240.160	Enforcement Hearings and Enforcement Cessation Orders
240.170	Cessation of Oil Production Operations
240.180	Cessation of Conditions Creating an Imminent Danger to Public Health and Safety and the Environment
240.185	Temporary Relief Hearings
240.186	Subpoenas
240.190	
240.195	

## SUBPART B: PERMIT APPLICATION PROCEDURES FOR PRODUCTION WELLS

Section	Applicability
240.200	Application for Permit to Drill, Deepen or Convert to a Production Well
240.210	Contents of Application
240.220	Authority of Person Signing Application
240.230	Additional Requirements for Directional Drilling
240.240	Additional Requirements for Horizontal Drilling
240.245	

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240.250	Issuance of Permit to Drill or Operate
240.251	Revocation of Permit to Drill
240.255	Conversion of a Production Well to a Water Well
240.260	Change of Well Location
240.270	Application for Approval of Enhanced Recovery Injection and Disposal Operations (Repealed)
240.280	Duration of Underground Injection Well Orders (Repealed)

## SUBPART C: PERMIT APPLICATION PROCEDURES FOR CLASS II UIC WELLS

Section	Section
240.300	Applicability
240.305	Transfer of Management (Recodified)
240.310	Application for Permit to Drill, Deepen, Convert or Amend to a Class II UIC Well
240.311	Application for Freshwater Aquifer Exemption
240.312	Freshwater Aquifer Exemptions
240.320	Contents of Application
240.330	Authority of Person Signing Application
240.340	Proposed Well Construction and Operating Parameters
240.350	Groundwater and Potable Water Supply Information
240.360	Area of Review
240.370	Public Notice
240.380	Issuance of Permit
240.385	Conversion of a Class II Well to a Water Well
240.390	Permit Amendments
240.395	Update of Class II UIC Well Permits Issued Prior to July 1, 1987

## SUBPART D: SPACING OF WELLS

Section	Section
240.400	Definitions
240.410	Drilling Units
240.420	Well Location Exceptions within Drilling Unit
240.430	Drilling Unit Exceptions
240.440	More Than One Well on a Drilling Unit
240.450	Directional Drilling
240.455	Horizontal Drilling
240.460	Modified Drilling Unit
240.465	Special Drilling Unit
240.470	Establishment of Pool-Wide Drilling Units Based Upon Reservoir Characteristics

## SUBPART E: WELL DRILLING.

## COMPLETION AND WORKOVER REQUIREMENTS

Section	Section
240.500	Definitions

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240.510	Department Permit Posted
240.520	Drilling Fluid Handling and Storage
240.525	Salvator or Oil Based Drilling Fluid Handling and Storage
240.530	Completion Fluid and Completion Fluid Waste Handling and Storage
240.540	Drilling and Completion Pit Restoration
240.550	Disposal of General Oilfield Wastes and Other Wastes

## SUBPART F: WELL CONSTRUCTION, OPERATING AND REPORTING REQUIREMENTS FOR PRODUCTION WELLS

Section	Section
240.600	Applicability
240.605	Drilled Out Plugged Hole (DOPH) Notification
240.610	Construction Requirements for Production Wells
240.620	Remedial Cementing of Leaking Wells
240.630	Operating Requirements
240.640	Reporting Requirements
240.650	Confidentiality of Well Data
240.655	Mechanical Integrity Testing for Class II Injection Wells (Repealed)
240.660	Monitoring and Reporting Requirements for Enhanced Recovery Injection and Disposal Wells (Repealed)
240.670	Avoidable Waste of Gas (Repealed)
240.680	Escape of Unburned Gas Prohibited (Repealed)

## SUBPART G: WELL CONSTRUCTION, OPERATING

## AND REPORTING REQUIREMENTS FOR CLASS II UIC WELLS

Section	Section
240.700	Applicability and Definitions
240.710	Surface and Production Casing Requirements for Newly Drilled Class II UIC Wells Drilled After the Effective Date of this Section
240.720	Surface and Production Casing Requirements for Conversion to Class II UIC Wells
240.730	Surface and Production Casing Requirements for Existing Class II UIC Wells
240.740	Other Construction Requirements for Class II UIC Wells
240.750	Operating Requirements for Class II UIC Wells
240.760	Establishment of Internal Mechanical Integrity for Class II UIC Wells
240.770	Establishment of External Mechanical Integrity for Class II UIC Wells
240.780	Reporting Requirements for Class II UIC Wells
240.790	Confidentiality of Well Data
240.795	Commercial Saltwater Disposal Well

## SUBPART H: LEASE OPERATING REQUIREMENTS

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240.800	Definitions
240.805	Lease and Well Identification
240.810	Tanks, Tank Batteries and Containment Dikes
240.820	Flowlines
240.830	Power Lines
240.840	Equipment Storage
240.850	Concrete Storage Structures
240.860	Pits
240.861	Existing Pit Exemption For Continued Production Use
240.862	Existing Pit Exemption For Alternative Use
240.870	Leaking Unpermitted Drill Hole
240.875	Leaking Previously Plugged Permitted Well
240.880	Initial Spill Notification
240.890	Crude Oil Spill Clean-Up Requirements
240.891	Crude Oil Spill Waste Disposal and Remediation
240.895	Produced Water Spill Clean-Up Requirements

## SUBPART I: LIQUID OILFIELD WASTE HANDLING AND DISPOSAL AND SPILL RELATED WASTE

Section	
240.900	Definitions
240.905	Application for Permit to Operate a Liquid Oilfield Waste Transportation System
240.906	Application for a Liquid Oilfield Waste Transportation Vehicle Permit
240.910	Inspection of Vehicles (Tanks)
240.920	Issuance of Liquid Oilfield Waste Transportation System and Vehicle Permits
240.925	Liquid Oilfield Waste Recordkeeping Requirements
240.926	Liquid Oilfield Waste Transportation System and Vehicle Operating Requirements
240.930	Produced Water
240.940	Crude Oil Bottom Sediments
240.945	Lease Road Oiling
240.950	Crude Oil Spill Waste Disposal (Repealed)
240.960	Oil Field Brine Hauling Permit Conditions (Repealed)
240.970	Inspection of Vehicles (Repealed)
240.980	Transfer of Permits (Repealed)
240.985	Revocation of Oil Field Brine Hauling Permit (Repealed)
240.990	Records and Reporting Requirements (Repealed)
240.995	Bonds--Blanket Surety Bond (Repealed)

## SUBPART J: VACUUM

Section	
240.1000	Definitions
240.1005	Applicability

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240.1010	Application for Vacuum Permit
240.1020	Contents of Application
240.1030	Authority of Person Signing Application
240.1040	Notice and Hearing
240.1050	Issuance of Permit
240.1060	Permit Amendments
SUBPART K: PLUGGING OF WELLS	
Section	
240.1105	Plugging of Non-Productive Wells (Repealed)
240.1110	Definitions
240.1115	Plugging Responsibility
240.1120	Plugging of Uncased Wells
240.1130	Plugging and Temporary Abandonment of Inactive Production Wells and <del>Certain Class II UIC Wells</del>
240.1131	Extension of Future Use Status for Production Wells (Repealed)
240.1132	Plugging and Temporary Abandonment of Inactive Class II UIC Wells
240.1140	General Plugging Procedures and Requirements
240.1150	Specific Plugging Procedures
240.1151	Procedures for Plugging Coal Seams
240.1160	Plugging Fluid Handling and Storage
240.1170	Plugging Liquid Waste Disposal and Well Site Restoration
240.1180	Lease Restoration
240.1181	Lease Restoration Requirements
240.1190	Filing Plugging Report

## SUBPART L: REQUIREMENTS FOR OTHER TYPES OF WELLS

Section	
240.1200	Applicability
240.1205	Application for Permit to Drill a Test Well or Drill Hole
240.1210	Contents of Application for Permit to Drill or Convert to an Observation, Gas Storage Well or Service Well (Repealed)
240.1220	Contents of Application for Coal Test Hole, Mineral Test Well, Structure Test Hole, or Coal or Mineral Groundwater Monitoring Well
240.1230	Authority of Person Signing Application
240.1240	Issuance of Permit
240.1250	When Wells Shall be Plugged and Department Notification
240.1260	Plugging and Restoration Requirements
240.1270	Confidentiality
240.1280	Converting to Water Well

## SUBPART M: PROTECTION OF WORKABLE COAL BEDS

Section	
240.1300	Introduction
240.1305	Permit Requirements in Mine Areas



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240.1310 Workable Coal Beds Defined  
 240.1320 Mining Board may Determine Presence of Coal Seams  
 240.1330 Well Locations Prohibited  
 240.1340 Notice to Mining Board  
 240.1350 Casing and Protective Work  
 240.1360 Operational Requirements Over Active Mine  
 240.1370 Inspection of Vehicles (Recodified)  
 240.1380 Transfer of Permits (Recodified)  
 240.1385 Revocation of Oil Field Brine Hauling Permit (Recodified)  
 240.1390 Records and Reporting Requirements (Recodified)  
 240.1395 Bonds—Blanket Surety Bond (Recodified)

## SUBPART N: ISSUANCE OR TRANSFER OF PERMIT TO OPERATE

Section  
 240.1400 Definitions  
 240.1405 Transfer of Management (Repealed)  
 240.1410 Applicability  
 240.1420 Notification  
 240.1425 Authority of Person Signing Transfer Notification  
 240.1430 Responsibilities of Current Permittee  
 240.1440 Responsibilities of New Permittee or Proposed New Permittee  
 240.1450 Authority of Persons Signing Notification  
 240.1460 Conditions for and Effect of Issuance or Transfer of Permit to Operate  
 240.1465 Condition for and Effect of Transfer of PRP Wells  
 240.1470 Revocation of Permit to Operate  
 240.1480 Involuntary Transfer  
 240.1485 Administrative Record Correction  
 240.1490 Transfer Hearings

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 240.1500 When Required, Amount and When Released  
 240.1510 Definitions  
 240.1520 Bond Requirements  
 240.1530 Forfeiture of Bonds

SUBPART P: WELL PLUGGING AND RESTORATION PROGRAM

Section  
 240.1600 Definitions  
 240.1610 Plugging Leaking or Abandoned Wells  
 240.1620 Plugging Orphaned Wells  
 240.1625 Plugging Abandoned Wells  
 240.1630 Emergency Well Plugging, Emergency Repair Work, Emergency Projects  
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240.1640 Repayment of Funds

## SUBPART Q: ANNUAL WELL FEES

Section  
 240.1700 Fee Liability  
 240.1705 Amount of Assessment  
 240.1710 Annual Permittee Reporting  
 240.1720 When Fees are Due  
 240.1730 Opportunity to Contest Billing  
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SUBPART R: REQUIREMENTS IN UNDERGROUND GAS STORAGE FIELDS  
AND FOR GAS STORAGE AND OBSERVATION WELLS

Section  
 240.1800 Applicability  
 240.1805 Definitions  
 240.1810 Submission of Underground Gas Storage Field Map  
 240.1820 Permit Requests in a Underground Gas Storage Field  
 240.1830 Application for Permit to Drill or Convert Wells  
 240.1835 Content of Application for Permit to Drill or Convert to an Observation or Gas Storage Well  
 240.1840 Authority of Person Signing Application  
 240.1850 Issuance of Permit  
 240.1852 Gas Storage and Observation Well, Construction, Operating and Reporting Requirements  
 240.1855 Well Drilling Completion and Workover Requirements  
 240.1860 Storage Field Operating Requirements  
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Section  
 240.1900 Applicability  
 240.1905 Application for Permit to Drill or Convert to Other Types of Wells or Drill Holes  
 240.1910 Contents of Application for Permit to Drill or Convert to a Service Well  
 240.1920 Authority of Person Signing Application  
 240.1930 Issuance of Permit  
 240.1940 When Wells Shall Be Plugged and Department Notification  
 240.1950 Plugging and Restoration Requirements  
 240.1960 Converting to Water Well

AUTHORITY: Implementing and authorized by Sections 6 and 8a of the Illinois Oil and Gas Act [225 ILCS 725/6 and 8a].

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SOURCE: Adopted November 7, 1951; emergency amendment at 6 Ill. Reg. 903, effective January 15, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 5542, effective April 19, 1982; codified at 8 Ill. Reg. 2475; amended at 11 Ill. Reg. 2818, effective January 27, 1987; amended at 14 Ill. Reg. 2317, effective January 25, 1990; recodified at 14 Ill. Reg. 3053; amended at 14 Ill. Reg. 13620, effective August 8, 1990; amended at 14 Ill. Reg. 20427, effective January 1, 1991; amended at 15 Ill. Reg. 2706, effective January 31, 1991; recodified at 15 Ill. Reg. 8566; recodified at 15 Ill. Reg. 11641; emergency amendment at 15 Ill. Reg. 14679, effective September 30, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 15493, effective October 10, 1991; amended at 16 Ill. Reg. 2576, effective February 3, 1992; amended at 16 Ill. Reg. 15513, effective September 29, 1992; expedited correction at 16 Ill. Reg. 18859, effective January 14, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 2217, effective February 8, 1993; amended at 17 Ill. Reg. 14097, effective August 24, 1993; amended at 17 Ill. Reg. 19223, effective November 8, 1993; amended at 18 Ill. Reg. 8061, effective May 13, 1994; emergency amendment at 18 Ill. Reg. 10380, effective June 21, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16361, effective November 18, 1994; amended at 19 Ill. Reg. 10981, effective July 14, 1995; amended at 21 Ill. Reg. 7164, effective June 3, 1997; emergency amendment at 22 Ill. Reg. 988, effective December 22, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 8422, effective April 28, 1998; amended at 22 Ill. Reg. 8845, effective April 28, 1998; amended at 22 Ill. Reg. 2214, effective December 14, 1998; amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

In this Part, unless the context clearly indicates otherwise, superscript numbers or letters are denoted by parentheses; subscript are denoted by brackets.

## SUBPART A: GENERAL PROVISIONS

## Section 240.10 Definitions

"Act"—means the Illinois Oil and Gas Act (225 ILCS 725).

"Annular or casing injection/disposal well"—means a well into which fluids are injected beneath the surface casing and the well bore, the surface casing and the production casing, and/or the production casing and the tubing, or a well into which fluids are injected which does not have production casing, tubing and packer.

"Cement"—means all petroleum industry cements meeting the requirements set forth in "Specifications for Oil Well Cements and Cement Additives", API Standard 10A, January, 1974, published by the American Petroleum Institute, 1220 L Street, Northwest, Washington, D.C. 20005 (this incorporation does not include any later publications or editions), except as provided in Subpart K of these rules.

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"Class II fluids" means:

Produced water and/or other fluids brought to the surface in connection with drilling, completion, workover and plugging of oil and natural gas wells; enhanced recovery operations; or natural gas storage operations;

Produced water and/or other fluids from above, which prior to re-injection have been:

used on site for purposes integrally associated to oil and natural gas well drilling, completion, workover and plugging, oil and gas production, enhanced recovery operations or natural gas storage;

chemically treated or altered to the extent necessary to make them usable for purposes integrally related to oil and natural gas well drilling, completion, workover and plugging, oil and gas production, enhanced recovery operations, or natural gas storage operations;

commingled with fluid wastes resulting from fluid treatments outlined above, provided the commingled fluid wastes do not constitute a hazardous waste under the Resource Conservation and Recovery Act;

Fresh water from groundwater or surface water sources which is used for purposes integrally related or associated with oil and natural gas well drilling, completion, workover and plugging, oil and gas production, enhanced recovery operations or natural gas storage;

Waste fluids from gas plants (including filter backwash, precipitated sludge, iron sponge, hydrogen sulfide and scrubber liquid) which are an integral part of oil and gas production operations; and waste fluids from gas dehydration plants (including glycol-based compounds and filter backwash) which are an integral part of natural gas storage operations, unless the gas plant or gas dehydration plant wastes are classified as hazardous under the federal Resource Conservation and Recovery Act.

"Class II UIC well"—means an Injection, Disposal or Commercial Disposal well into which fluids are injected:

Which are brought to the surface in connection with natural gas storage operations, or conventional oil or natural gas production and may be commingled with wastewaters from gas plants which are

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an integral part of production operations unless those waters are classified as a hazardous waste at the time of injection;

For enhanced recovery of oil or natural gas; and

For storage of hydrocarbons which are liquid at standard temperature and pressure.

"Commercial Disposal Well"---means a permitted Class II well for which the permittee receives deliveries of Class II fluids by tank truck and charges a fee for the specific purpose of disposal of Class II fluids.

"Convert"---means to change an oil, gas, Class II UIC, water supply, observation or gas storage well to another of those types of wells, requiring the issuance of a new permit.

"Department"---means the *Department of Natural Resources, Office of Mines and Minerals* of the *State of Illinois*. (Section 1 of the Act)

"Directional Drilling"---means the controlled directional drilling when the bottom of the well bore is directed away from the vertical position.

"Director"---means the Director of the Office of Mines and Minerals, as the designee of the Director, Illinois Department of Natural Resources.

"Disposal Well"---means a Class II UIC well into which fluids brought to the surface in connection with oil or natural gas production are injected into a non-productive oil or gas zone for purposes other than enhanced oil recovery.

"District Office"---means the Department's office for the district in which the well is located.

"Division"---means the Division of Oil and Gas within the Department of Natural Resources, Office of Mines and Minerals.

"Enhanced Oil Recovery"---means any secondary or tertiary recovery method used in an effort to recover hydrocarbons from a pool by injection of fluids, gases or other substances to maintain, restore or augment natural reservoir energy, or by introducing gases, chemicals, other substances or heat or by in-site combustion, or by any combination thereof. (Section 1 of the Act)

"Enhanced Oil Recovery Injection Well"---means a Class II UIC well used for enhanced oil recovery.

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"Flowline"---means all injection, produced water and oil flow lines located within the boundaries of a lease or unit, or gathering lines between leases to a centralized storage area, or to the point where the lines connect with a primary transportation pipeline.

"Fresh Water"---means surface and subsurface water in its natural state useful for drinking water for human consumption, domestic livestock, irrigation, industrial, municipal and recreational purposes, and which will support aquatic life and contains less than 10,000 mg/liter total dissolved solids.

"General Oilfield Waste"---means oily rags, chemical containers including any unused chemicals, oil filters and gaskets, used motor oil, lubricating oils, hydraulic fluids, diesel fuels, paint and solvent wastes and other similar wastes generated during drilling, completion, production and plugging activities and which are now or hereafter non-exempt from the provisions of Subtitle C of the Federal Resource Conservation Recovery Act of 1976.

"Injection Well"---means an enhanced oil recovery injection well or disposal well.

"Liquid Oilfield Waste"---means oilfield brines, produced waters, Class II fluids, tank and pit crude oil bottom sediments, and drilling and completion fluids, to the extent those wastes are now or hereafter exempt from the provisions of Subtitle C of the Federal Resource Conservation Recovery Act of 1976. (Section 8c of the Act)

"Liquid Oilfield Waste Hauler"---means a person holding a permit to operate a liquid oilfield waste transportation system.

"Orphan Well"---means a well for which:

No fee assessment under Section 19.7 of the Act has been paid or no other bond coverage has been provided for 2 consecutive years;

no oil or gas has been produced from the well or from the lease or unit on which the well is located for 2 consecutive years; and

no permittee or owner can be identified or located by the Department. Orphaned wells include wells that may have been drilled for purposes other than those for which a permit is required under the Act if the well is a conduit for oil or saltwater intrusions into fresh water zones or onto the surface which may be caused by oil and gas operations. (Section 1 of the Act)



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"Owner"--means the person who has the right to drill into and produce from any pool, and to appropriate the production either for the person or for the person and another, or others, or solely for others, excluding the mineral owner's royalty if the right to drill and produce has been granted under an oil and gas lease. An owner may also be a person granted the right to drill and operate an injection (Class II UIC) well independent of the right to drill for and produce oil or gas. When the right to drill, produce, and appropriate production is held by more than one person, then all persons holding these rights may designate the owner by a written operating agreement or similar written agreement. In the absence of such an agreement, and subject to the provisions of Sections 22.2 and 23.1 through 23.16 of the Act, the owner shall be the person designated in writing by a majority in interest of the persons holding these rights. (Section 1 of the Act)

"Permit"--means the Department's written authorization;

allowing:

a well or test hole to be drilled, deepened, converted and/or operated by an owner; (Section 1 of the Act); or

a tank battery or concrete storage structure to be constructed and operated; or

to operate a liquid oilfield waste transportation system or engage in lease road oiling.

"Permittee"--means the owner holding or required to hold the permit, and who is also responsible for paying assessments in accordance with Section 19.7 of the Act and, where applicable, executing and filing the bond associated with the well as principal and who is responsible for compliance with all statutory and regulatory requirements pertaining to the well. When the right and responsibility for operating a well is vested in a receiver or trustee appointed by a court of competent jurisdiction, the permit shall be issued to the receiver or trustee. (Section 1 of the Act) Permittee also means the owner or person required to hold the permit for a tank battery, pit, or concrete storage structure or a permit to engage in liquid oilfield waste hauling, lease road oiling, or test well and test hole drilling.

"Person"--means any natural person, corporation, association, partnership, governmental agency or other legal entity, receiver, trustee, guardian, executor, administrator, fiduciary or representative of any kind. (Section 1 of the Act)

"Pool"--means a natural underground reservoir containing, in whole or

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in part, a natural accumulation of oil or gas, or both. Each productive zone or stratum of a general structure, which is completely separated from any other zone or stratum in the structure, is deemed a separate "pool" as used herein. (Section 1 of the Act)

"Produced Water"--means water regardless of chloride and total dissolved solids (TDS) content which is produced in conjunction with oil and/or natural gas production and natural gas storage operations.

"Production Casing"--means the string of casing placed in a well and used for the purpose of isolating the production or injection formation.

"Repressure"--means to increase the reservoir pressure by the introduction of gas, air or water or other fluid into the reservoir.

"Reservoir"--for the purpose of these rules, is interchangeable with the term "pool".

"Rotary Drilling"--means the hydraulic process of drilling a well for oil or gas as such method is commonly used in the industry.

"Shooting"--means the exploding of nitroglycerin or other high explosives in a well for the purpose of increasing the production of oil or gas.

"Surface Waters"--means any river, stream, lake, pond or intermittent stream.

"Tank"--means a vessel into which oil or water is gathered, produced or stored.

"Tank Battery"--means one or more open or closed ton tanks, of any capacity, that are located on a lease, unit or adjacent property, for the purpose of collecting, separating and/or storing crude oil and/or other liquid oilfield wastes that are generated as a result of oil and gas production operations.

"Undeveloped Limits of a Mine"--means that portion of a mine where the entries have not been driven to the boundaries of the mine property.

"Vacuum"--means pressure which is reduced below the pressure of the atmosphere.

"Water Drainage Way"--means any drainage ditch, roadside ditch, grassy waterway or any other natural or manmade surface or underground water drainage system.

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"well"--means any drill hole required to be permitted under subsection (2) of Sections 6 or Section 12 of the Act, including coal or mineral groundwater monitoring wells, structure test holes, coal test holes, and mineral test holes, and any well required to be permitted under Sections 6 and 12 of the Act, including oil and gas production wells, water supply wells, Class II UIC injection wells, gas storage and gas storage monitoring wells, orphan wells, unpermitted leaking drill holes and plugged wells.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 240.140 Violations Not Requiring Formal Action

a) When an inspector or other authorized employee or agent of the Department determines that any permittee is in violation of any requirement of this Act or the rules adopted hereunder or any permit condition, and the inspector or other authorized employee or agent also finds [225 ILCS 725/8a]: ~~4111-Rev-Stat-1988-Supp-eth-96-177 par-5413~~

1) that the violation was not caused by the permittee's deliberate action ~~lack-of-due-care~~;

2) that any action necessary to abate the violation was commenced immediately and was or will be completed within a specified date certain, as established by the Department representative, not to exceed 120 99 days from the date of the determination that the permittee is in violation; and

3) that the violation has not caused and cannot reasonably be expected to cause significant environmental harm or damage to property; the violation shall be noted on an inspection report, compliance schedule or other written notification without the need for the issuance of a notice of violation pursuant to Section 240.150. The written inspection report, compliance schedule or other written notification shall indicate the nature and circumstances of the violation, and the time within which and the means by which the violation is to be abated. A copy of the inspection report, compliance schedule or other written notification shall be delivered to the permittee or his representative at the time it is prepared, and the original shall be forwarded to the Director or his designee.

b) If, following investigation, the Director or his designee determines ~~that the findings were incorrect or~~ that abatement was not completed as specified in the inspection report, compliance schedule or other written notification, the Director or his designee shall issue a notice of violation in accordance with Section 240.150 and/or a cessation order in accordance with Sections 240.185 and 240.186 ~~Section 240.176~~

c) The provisions of this Section shall not apply to the following

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## violations:

- 1) Drilling or operating, without a permit or permit transfer from the Department, a well required to be permitted under the Act;
- 2) Operating an annular or casing injection/disposal well or a well with pressure on the annulus; **and**
- 3) Failure ~~to~~ **to** maintain required performance bond **in-force** or pay annual well fees for the wells under permit.

4) Failure to renew Future Use status on a well or secure approved Future Use status following a denial of Future Use status on a well;

5) Failure to establish mechanical integrity on a Class II well or repair a Class II well following failure of mechanical integrity;

6) Operating a well that has been placed in the plugging and Restoration Program;

7) Failure to provide emergency response for a crude oil or saltwater spill;

8) Improper discharge or disposal of produced fluids;

9) Operating a well in violation of spacing requirements or permit conditions; **and**

10) Failure to restore a well site after plugging.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 240.160 Director's Decision

a) Upon receipt of a notice of violation, the Director of the Department, or his designee, shall conduct an investigation and may affirm, vacate or modify the notice of violation. In determining whether to take action in addition to remedial action necessary to abate a violation the Director shall consider:

1) the person's or permittee's history of previous violations, including violations at other locations and under other permits;

A) A violation shall not be counted if the notice or order is the subject of pending administrative review by the Department under Section 240.180 or if the time to request such review has not expired, and thereafter it shall be counted for only two years after the date of the Department's final administrative decision or a final judicial decision affirming the Department's decision;

B) No violation for which the notice or order has been vacated shall be counted;

2) the seriousness of the violation, including any irreparable harm to the environment or damage to property;

3) the degree of culpability of the person or permittee; and

4) the existence of any additional conditions or factors in aggravation or mitigation of the violation, including information provided by the person or permittee.

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b) *Modification of the notice of violation may include:*

- 1) *any different or additional remedial actions necessary to abate the violation, as set forth in Section 240.150(b)(2), and the time within which the violation must be abated;*
- 2) *the assessment of civil penalties not to exceed \$1,000 a day for each and every act of violation;*
- 3) *probationary or permanent modification or conditions on the permit which may include special monitoring or reporting requirements; and*

4) *revocation of the permit. (Section 8a of the Act)*

- c) The Director shall determine whether or not to assess civil penalties based on the factors set forth in subsection (a) above. If a penalty is assessed by the Department, the penalty shall be computed as follows:

- 1) Administrative violations, including, but not limited to, the failure to file the reporting, permitting and bond transfer forms required by the Department or the failure to notify the Department before setting surface casing, setting tubing and packer or plugging a well ~~submit information required by the Department pursuant to well file reviews~~ shall be assessed on an permittee-specific basis. The Department may assess up to \$250 for an administrative violation as follows:

A) *History of Violations:*

i) No previous violation of the same rule: add \$25.

ii) One previous violation of the same rule: add \$50.

iii) Two previous violations of the same rule: add \$75.

iv) Three or more previous violations of the same rule: add \$100.

E) Four or more previous violations of the same rule: add \$250.

B) *Permittee's Actions:*

- i) If the permittee was previously notified of the violation using a routine inspection report (Form OG-22) in accordance with Section 240.140 or correspondence from the Department and failed to comply, add \$100:

ii) If the permittee abated the violation within the specified time frame, subtract \$200:

iii) If the permittee either substantially abated the violation within the specified time frame or if all corrective actions were not completed yet, the permittee requested and received an extension of the abatement deadline, subtract \$100:

- 2) Operating violations, including, but not limited to, operating a well required to be permitted under the Act without first obtaining a permit from the Department, operating a well required to be permitted under the Act without first obtaining the Department's transfer of operating authority, operating a well in violation of Department spacing requirements, pressure on the

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annulus, failure to maintain the well and flow line in a leak-free condition, failure to configure the wellhead for the inspection of the annulus, failure to comply with specified permit conditions, failure to report a spill, failure to maintain containment dikes, failure to maintain required performance bond in force for the wells under permit and failure to pay annual well fees, shall be assessed on a permittee-specific basis. Multiple incidents of the same violation against a permittee on the same occasion shall not be considered separate violations. The Department may assess up to \$500 for an operating violation as follows:

A) *History of Violations:*

i) No previous violation of the same rule: add \$50.

ii) One previous violation of the same rule: add \$100.

iii) Two or more previous violations of the same rule: add \$150.

B) *Seriousness:*

- i) If the violation had a low degree of probability to cause environmental damage to soil and/or land surface, vegetation or crops, surface water, ground water, livestock or wildlife: add \$50; or, if the violation had a high degree of probability to cause environmental damage to soil and/or land surface, vegetation or crops, surface water, ground water, livestock or wildlife: add \$100; or, if the violation caused environmental damage to soil and/or land surface, vegetation or crops, surface water, ground water, livestock or wildlife: add \$200.

ii) If the violation created a hazard to the safety of any person, such as the emission of hydrogen sulfide gas: add \$500.

C) *Permittee's Actions:*

- i) If the permittee was previously notified of the violation using a routine inspection report (Form OG-22) in accordance with Section 240.140 or correspondence from the Department and failed to comply: add \$100.

ii) If the violation occurred as a result of the permittee's lack of reasonable care: add \$50; or, if the violation occurred as a result of the permittee's deliberate conduct, including lack of reasonable maintenance of equipment: add \$200.

iii) If the permittee abated the violation within the violation deadline or within the specified time frame in an approved extension deadline: subtract \$250.

iv) If the permittee either substantially abated the violation within the specified time frame or if all corrective actions were not completed yet, the



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~~permittee-requested-and-received-an-extension-of-the abatement-deadline--subtract-\$180-~~  
 3) Operating an annular or casing injection/disposal well; operating wells by a permittee for whom wells have been placed into or funds have been expended from the PRF Fund; failure to provide emergency response or clean up ~~clean-up~~ a crude oil or produced water spill; or the improper disposal or discharge of produced fluids shall result in an initial assessment of a ~~\$19000--penalty for--each--and--every--such--violation--Additional assessments-for these violations may be computed as follows:~~

A) History of Violations:  
 One or more previous violations of the same rule in accordance with subsection (a)(1)(A) of this Section: add \$100 per violation.

B) Seriousness:

1) If the violation caused environmental damage to surface water, ground water or wildlife: add \$200.  
 i.) If the violation created a hazard to the safety of any person, such as the emission of hydrogen sulfide gas: add \$500.

C) Permittee's Action:

If the violation occurred as a result of the permittee's lack of reasonable care: add \$500 \$480; or, if the violation occurred as a result of the permittee's deliberate conduct: add \$1000 \$980.

d) Any responsible person who willfully or knowingly authorized, ordered, or carried out any violation cited in the Director's decision shall be subject, after notice, to the same actions, including civil penalties, which may be imposed on the person or permittee under this Section.

(Section 8a of the Act)

e) The Director or his designee shall serve the person or permittee with his decision at the conclusion of his investigation. The Director's decision shall provide that the person or permittee has the right to request a hearing in accordance with Section 240.180. The Director's decision affirming, vacating or modifying the notice of violation shall be served in accordance with Section 8a of the Act.

f) A Director's decision not appealed in accordance with Section 240.180 within 30 days after service shall become a final administrative decision of the Department, pursuant to Section 10 of the Act. The filing of a request for hearing under Section 240.180 shall not operate as a stay of the Director's decision.

g) The permittee may, within 30 days from the date of service of the Director's Decision, submit to the Department, in writing, any mitigating factors which permittee believes to be relevant to the violation cited in the Director's Decision.

h) Upon further investigation, the Director of the Department, or his designee, may enter into a settlement agreement, issue an amended Director's Decision, or issue a replacement Director's Decision.

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1) A settlement agreement shall be issued to:

- A) extend the amount of time provided to complete remedial actions necessary to abate the violations set forth in the Director's Decision; or
- B) reduce the civil penalty assessed in the Director's Decision; or
- C) allow new permits or the transfer of existing permits to be issued during the term of the settlement agreement.

2) An Amended Director's Decision shall be issued to:

- A) extend the amount of time provided to complete remedial action necessary to abate the violation set forth in the Director's Decision; or
- B) reduce the civil penalty assessed in the Director's Decision.

3) A replacement Director's Decision shall be issued to correct an administrative error contained in the Director's Decision or the Notice of Violation.

4) The permittee shall have no right to hearing associated with the issuance of an amended or replacement Director's Decision.

i) If the Director's decision includes the assessment of a civil penalty, and the person or permittee named in the Director's decision does not request a hearing in accordance with Section 240.180 to contest the amount of the penalty, the amount assessed shall be paid to the Department in full within 30 days after service of the Director's decision.

j) All civil penalties assessed and paid to the Department shall be deposited in the Underground Resources Conservation Enforcement Fund. (Section 8a of the Act)

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 240.185 Cessation of Oil Production Operations

a) The Department may issue orders requiring the cessation of operations, without issuing a notice of violation in accordance with Section 240.160.

b) If the Department determines that any condition or practice exists, or that any person or permittee is in violation of any requirement of the Act or this Part or any permit condition, which condition, practice or violation creates an imminent danger to the health or safety of the public, or an imminent danger of significant environmental harm or significant damage to property, any authorized employee or agent of the Department may order the immediate cessation of operations. [225 ICS 725/19.1] The following constitute procedures or violations mandating the issuance of a cessation order under this subsection: ~~drilling--or--operating--without--a--permit--from--the Department, a well required to be permitted under the Act, operating a~~

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well required to be permitted under the Act without first obtaining the Department's transfer of operating authority; ~~operating an annular or casing-injection/disposal well; operating a well in violation of the Department's spacing requirements; operating wells without paying annual well fees; or operating wells without maintaining the required amount of performance bond in force; or operating wells by a permittee for whom funds have been expended from the PRF Fund in accordance with Subpart Q of this Part.~~

~~c) If a responsible party cannot be readily located, in the judgment of the employee or agent, issuing the cessation order, the employee or agent may take any action he deems necessary to cause a cessation of operations and abatement of any violation observed. [225--#669 725/19.1]~~

~~ce) The cessation order shall be served by personal delivery to the person or permittee named in the order or by mailing it certified mail, return receipt requested, to the last known address of the person or permittee as soon as is practically possible but in no event later than 5 days after its issuance. [225 ILCS 725/19.1]~~

~~d) The cessation order shall contain a scheduled hearing date that shall be held within 30 days after the issuance of the cessation order. The hearing shall be conducted by an impartial hearing officer, designated by the Department, and held in the Department's office in Springfield, Illinois and shall be conducted in accordance with Article 10 of the Illinois Administrative Procedure Act.~~

~~e) The cessation order shall also provide that the person or permittee named in the order has the right to request a temporary relief hearing within 14 days from the date of issuance of the cessation order in accordance with Section 240.190. The cessation order shall be considered served when personally delivered to the person or permittee named in the order or when the cessation order is mailed certified mail, return receipt requested, to the person or permittee at his last known address.~~

~~f) At the cessation order hearing scheduled to determine whether the person or permittee has complied, the Department shall have the burden of proving the facts of the violation alleged in the cessation order. The standard of proof shall be a preponderance of the evidence. The impartial hearing officer shall conduct the hearing, hear the evidence, and at the conclusion of the hearing render findings of fact, conclusions of law and issue the final administrative decision of the Department pursuant to Section 10 of the Act.~~

~~g) A cessation order issued under this Section shall continue in effect until modified, vacated, or terminated by the Department. [225 ILCS 725/78a] The filing of a request for temporary relief under Section 240.190 shall not operate as a stay of the cessation order. The cessation order may be stayed by the grant of temporary relief in accordance with Section 240.190.~~

~~h) A cessation order not subject to temporary relief in accordance with subsection (f) above shall become a final administrative decision of~~

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~~the Department, pursuant to Section 10 of the Act~~

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 240.186 Cessation of Conditions Creating an Imminent Danger to Public Health and Safety and the Environment

a) The Department may issue cessation orders requiring the cessation of conditions causing or the correction of any condition that creates a threat to the health or safety of the public or an imminent danger of significant environmental harm or significant damage to property, without issuing a notice of violation in accordance with Section 240.160.

b) If the Department determines that any condition or practice exists, or that any person or permittee is in violation of any requirement of the Act or this Part or any permit condition, which condition, practice or violation creates an imminent danger to the health or safety of the public, or an imminent danger of significant environmental harm or significant damage to property, any authorized employee or agent of the Department may order the immediate cessation of operations. [225 ILCS 725/19.1] The following constitute conditions or violations mandating the issuance of a cessation order under this subsection: drilling or operating, without a permit from the Department, a well required to be permitted under the Act; operating an annular or casing injection/disposal well; or failure to repair a leak or cease improper discharge of saltwater, oil or other liquid oilfield wastes from a well, tank, or flowline or by a liquid oilfield waste hauler.

c) If a responsible party cannot be readily located, in the judgment of the employee or agent, issuing the cessation order, or fails to respond, within the time frame specified in the cessation order, to correct the condition endangering the public health, safety or the environment, the employee or agent may take any action he deems necessary to cause a cessation of operations and abatement of any violation observed [225 ILCS 725/19.1], including emergency activities specified in Section 240.1630.

d) The cessation order shall be served by personal delivery to the person or permittee named in the order or by mailing it certified mail, return receipt requested, to the last known address of the person or permittee as soon as is practically possible but in no event later than 5 days after its issuance. [225 ILCS 725/19.1] The notice shall contain a scheduled hearing date that shall be held within 5 days after the issuance of the cessation order. The hearing shall be conducted by an impartial hearing officer designated by the Department and held in the Department office in Springfield, Illinois. [225 ILCS 725/19.1]

e) At the hearing, the Department shall have the burden of proving the facts of the violation alleged in the cessation order. The standard

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- of proof shall be a preponderance of the evidence. The impartial hearing officer shall conduct the hearing, hear the evidence, and at the conclusion of the hearing render findings of fact, conclusions of law and issue the final administrative decision of the Department pursuant to Section 10 of the Act.
- f) A cessation order issued under this Section shall continue in effect until modified, vacated, or terminated by the Department. A cessation order issued under this Section is not subject to temporary relief under Section 240.190 of this Part.

(Source: Added at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

## Section 240.190 Temporary Relief Hearings

- a) Pending the holding of a hearing in accordance with Section Sections 240.185(d) of and 240.180(fg) relating to a cessation order issued under Section 240.185 or 240.180, the person or permittee affected by the Department's action may file a written request for temporary relief from the cessation order, together with a detailed statement giving reasons for granting such relief. (Section 8a of the Act) The person or permittee shall serve the request for temporary relief within 14 days after service of the cessation order.
- b) The Department shall commence a hearing within 5 working days after receipt of a timely request for temporary relief and may grant such relief, under such conditions as it may prescribe, if the person or permittee requesting temporary relief shows a substantial likelihood that the findings of the Department will be favorable to him and such relief will not adversely affect the health or safety of the public or cause significant environmental harm or significant damage to property. (Section 19.1 of the Act)
- c) All hearings under this Section shall be conducted in accordance with Article 10 of the Illinois Administrative Procedure Act. All hearings under this Section shall be conducted in the Department's offices located in Springfield, Illinois.
- d) At the hearing the permittee shall have the burden of proving that temporary relief from the cessation order will not adversely affect the health or safety of the public or cause environmental harm or significant damage to property. The hearing officer shall conduct the hearing, hear the evidence and at the conclusion of the hearing render findings of fact, conclusions of law and the disposition of the case.
- e) The hearing officer shall issue a final administrative decision granting or denying temporary relief from the cessation order within 7 days after the close of the administrative record, pursuant to Section 10 of the Act. Temporary relief shall not extend for more than 90 days, after which the cessation order shall be reinstated pending the outcome of the cessation order and pending a resolution of the violations of the Act specified in the cessation order.

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- f) The person's or permittee's failure to request a hearing in accordance with subsection (a) shall constitute a waiver of all legal rights to contest the cessation order.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

## Section 240.195 Subpoenas

- a) Any party to proceedings brought under Sections 240.130, 240.131, 240.132, 240.133 240.180 and 240.190 of the Department's rules may apply for subpoenas to compel the attendance of witnesses and the production of relevant documents.
- b) The applicant shall submit the subpoena request to the Department's hearing officer. The subpoena request shall specifically identify the witness or relevant documents sought to be produced.
- c) The hearing officer shall issue subpoenas within 7 calendar days from receipts of a request made in accordance with subsection (b) above and deliver the subpoena to the Petitioner who shall serve all subpoenas issued by certified mail, return receipt requested, at least 7 days before the date set for the hearing. Any witness shall respond to any lawful subpoena of which he has actual knowledge, if a voucher for payment of the witness fee and mileage applicable in the State circuit courts has been tendered. Service of a subpoena may be proved prima facie by a return receipt signed by the witness or his authorized agent and an affidavit showing that the mailing was prepaid and was addressed to the witness, restricting delivery, with a State voucher check-or-money-order for the fee and mileage enclosed.
- d) Any person served with a subpoena under this Section may file with the hearing officer, and serve on all parties, a motion for an order quashing the subpoena, in whole or in part. All motions to quash filed under this subsection shall set forth a factual and/or legal basis for granting such relief.
- e) The hearing officer shall issue, and serve on all parties, a decision granting or denying the motion to quash within 7 calendar days from receipt of the motion.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

## SUBPART B: PERMIT APPLICATION PROCEDURES FOR PRODUCTION WELLS

## Section 240.251 Revocation of Permit to Drill

- a) The Department may revoke a permit if:
- 1) The permittee fails to meet permit conditions; or
  - 2) The permit was issued in error; or
  - 3) The permittee is not in compliance with Section 240.250(b) of



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## this Subpart.

- b) The Department shall notify the permittee of the Department's intent to revoke a permit effective 30 days from the date of the notice unless a hearing is requested in accordance with subsection (c) below, unless a
- c) If a written objection to the permit revocation is filed within 30 days after the date of the notice:
  - 1) A pre-hearing conference shall be held within 15 days after the receipt of the request for hearing.
    - A) A pre-hearing conference shall be scheduled in order to:
      - i) Simplify the factual and legal issues presented by the hearing request;
      - ii) Receive stipulations and admissions of fact and of the contents and authenticity of documents;
      - iii) Exchange lists of witnesses the parties intend to have testify and copies of all documents the parties intend to introduce into evidence at the hearing;
      - iv) Set a hearing date; and
      - v) Discuss and resolve such other matters as may tend to expedite the disposition of the hearing request and to assure a just conclusion thereof.
    - B) Pre-hearing conferences may be held by telephone conference if such procedure is acceptable to all parties.
  - 2) All hearings under this Subpart shall be conducted in the Department's offices located in Springfield, Illinois.
- d) At the hearing, the Department shall present evidence in support of its determination under subsection (a) above. The permittee may present evidence contesting the Department's determination under subsection (a) above. The hearing officer may administer oaths and affirmations, subpoena witnesses and written or printed materials, compel attendance of witnesses or production of those materials, compel discovery, and take evidence.
- e) Within 30 days after the close of the record or the receipt of the transcript of the hearing, the Department shall render a final administrative decision.
- f) The permittee's failure to request a hearing in accordance with subsection (c) to reinstate the permit or require the well to be plugged shall constitute a waiver of all legal rights to contest the permit revocation decision. Upon the expiration of the time to request a hearing, the Department shall issue a final administrative decision, pursuant to Section 10 of the Act.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

SUBPART F: WELL CONSTRUCTION, OPERATING AND REPORTING  
REQUIREMENTS FOR PRODUCTION WELLS

## Section 240.610 Construction Requirements for Production Wells

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- a) Surface Casing Requirements for Wells Drilled After May 13, 1994
  - 1) Steel surface casing or fiberglass casing meeting API standards shall be set to a depth of at least 100 feet, or 50 feet below the base of the freshwater, whichever is deeper, unless an alternative surface casing procedure is used as outlined in subsection (b).
  - 2) Surface casing or alternative surface casing shall be set under the supervision of a representative of the Department and the permittee shall give at least 24 hours notice to the District Office prior to setting the surface casing. In lieu of a Department representative being present during the setting of surface casing, the District Office may approve the submission of cement records and casing verifying the setting of surface casing. If cement records and casing are requested, the Permittee shall provide the records immediately following completion of the work.
  - 3) Surface casing shall be cemented in place by circulating cement behind the surface casing from the setting depth of the casing to the surface.
  - 4) The cement shall be allowed to set in place until it has developed sufficient strength to allow drilling to resume, but no less than 4 hours.
- b) Alternative Surface Casing Procedures
  - 1) Prior to the commencement of drilling, ~~At the time of submitting the permit application, the permittee shall notify may request approval from the District Office Department for the county where the well will be located of the permittee's intent to use an alternative surface casing procedure. one of the following alternative surface casing procedures:~~
    - A) Notice shall be given on a form prescribed by the Department and received in the District Office at least 24 hours prior to the commencement of drilling.
    - B) The following alternative surface casing procedures may be used unless the well is located over a coal mined out area or a gas storage field:
      - A) If the unconsolidated material is less than 25 feet thick, no surface casing is required but a cement basket shall be set 50 feet below the base of the freshwater and the production casing either cemented to surface from total depth, or cemented from the cement basket to surface together with the required cement on the bottom of the production casing as specified in subsection (b).
      - B) If the unconsolidated material is greater than 25 feet thick, surface casing is required to be set, and cemented in accordance with subsection (a), to the top of the bedrock, a cement basket shall be set 50 feet below the base of the freshwater and the production casing shall be either cemented to surface from total depth or cemented from the

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cement basket [placed 50 feet below the base of the freshwater] to surface together with the required cement on the bottom of the production casing as specified in subsection (d) ~~(f)~~ below.

- C) For wells in which the total depth is less than 500 250 feet below the base of the freshwater, no surface casing or cement basket is required, but the production casing shall be cemented from total depth to surface.

- 4) Wells located over a coal mined out area or a gas storage field shall set and cement at least 100 feet of surface casing before drilling to the depth of the mined out area, into the mined out area or to the depth of the gas storage zone and a cement basket set 50 feet below the basket to the surface or, if required under Section 240.1360, a mine string set in accordance with Section 240.1360(b).

- (b) Production Casing Requirements for Wells Drilled After May 13, 1994.

Production casing shall be set and cemented in place by circulating cement behind the production casing from the setting depth of the casing to a minimum of 250 feet above the shallowest producing interval. The casing shall be set no higher than 50 feet above the top of the uppermost producing interval in an open hole completion.

- (d) Production Casing Requirements for Existing Wells

- 1) For all existing wells without production casing:  
A) If surface casing was previously set, production casing shall be set and cemented a minimum of 250 feet in accordance with subsection (b) above.  
B) If surface casing was not previously set, production casing shall be set and cemented to surface in accordance with subsection (a)(5) above.

- 2) Wells drilled prior to the May 13, 1994 that contain drive pipe without cement behind the drive pipe will require no further cementing work.

- (d) Tubing and Packer in Flowing Wells

All wells flowing as a result of an enhanced oil recovery project shall be produced through tubing and packer. The packer shall be set within 200 feet of the top of the producing interval and within the cemented portion of the production casing. The permittee shall contact the District Office in which the well is located at least 24 hours prior to the initial setting or any resetting of the packer to enable an inspector to be present when the packer is set.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 240.630 Operating Requirements

- a) The well shall be maintained and operated in accordance with all permit conditions or be subject to permit revocation in accordance

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with Section 240.251.

- (b) The well and wellhead shall be maintained in a leak-free condition.

(c) All spills of produced water or oil occurring at the well-site due to a leaking wellhead shall be cleaned up in accordance with Subpart 1.

- (d) Wells that have not produced for more than 2 years shall be temporarily abandoned or plugged in accordance with Subpart K.

- (e) Casinghead gas, produced in conjunction with oil production, that is not collected for use or sale, shall be flared unless the Department approves an exemption from this requirement. In determining whether to approve an exemption, the Department shall consider the quantity of casinghead gas produced, the topographical and climatological features at the well site, and the proximity of agricultural structures and crops, inhabited structures, public buildings, and public roads and railways.

- (f) If hydrogen sulfide ~~Hydrogen-Sulfide~~ gas (H<sub>2</sub>S) is present in excess of 20 ppm within 5 feet in any direction from the wellhead or the end of the flare line, the Department shall specify measures to be taken by the permittee to protect against waste and injury to the public health and safety, which may include the erection of flare lines, the posting of warning signs, and the erection of fencing. The Department may also require the setting of a temporary mechanical or cement plug during any period of time in which the well is not producing or during any period of time necessary to effectuate safety measures. In specifying the measures to be taken by the permittee, the Department shall consider the quantities of H<sub>2</sub>S being emitted, the topographical and climatological features at the well site and the proximity of inhabited structures, public buildings, and public roads and railways.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

SUBPART G: WELL CONSTRUCTION, OPERATING  
AND REPORTING REQUIREMENTS FOR CLASS II UIC WELLS

Section 240.710 Surface and Production Casing Requirements for Newly Drilled  
Class II UIC Wells Drilled After the Effective Date of this Section

- a) Surface Casing

1) Steel surface casing shall be set to a depth of at least 100 feet, or 50 feet below the base of the freshwater zone, whichever is deeper, unless an alternative surface casing procedure is used as outlined in subsection (b).

- 2) Surface casing ~~or alternative-surface-casing~~ shall be set under the supervision of a representative of the Department and the permittee shall give at least 24 hours notice to the District Office prior to setting the surface casing. In lieu of a Department representative being present during the setting of

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surface casing, the District Office may approve the submission of cement records and casing verifying the setting of surface casing. If cement records and casing are requested, the permittee shall provide the records immediately following completion of the work.

- 3) Surface casing shall be cemented in place by circulating cement behind the surface casing from the setting depth of the casing to the surface.
- 4) The cement shall be allowed to set in place until it has developed sufficient strength to allow drilling to resume, but no less than 4 hours.

## b) Alternative Surface Casing Procedures

15) Prior to the commencement of drilling, ~~at the time of submitting the permit application~~ the permittee shall ~~notify~~ ~~may request approval from the District Office~~ ~~Department for the county where the well will be located~~ of the permittee's intent to use an alternative surface casing procedure, ~~one of the following alternative surface casing procedures:~~

- 2) Notice shall be given on a form prescribed by the Department and received in the District Office at least 24 hours prior to the commencement of drilling.

3) The following alternative surface casing procedure may be used unless the well is located over a coal mined out area or a gas storage field:

- A) If the unconsolidated material is less than 25 feet thick, no surface casing is required but a cement basket shall be set 50 feet below the base of the freshwater and the production casing either cemented to surface from total depth, or cemented from the cement basket to surface together with the required cement on the bottom of the production casing as specified in subsection (b).
- B) If the unconsolidated materials is greater than 25 feet thick, surface casing is required to be set, and cemented in accordance with subsection (a), to the top of the bedrock, ~~a cement basket shall be set 50 feet below the base of the freshwater~~ and the production casing shall be either cemented to surface from total depth or cemented from the cement basket (placed 50 feet below the base of the freshwater) to surface together with the required cement on the bottom of the production casing as specified in subsection (d) ~~(b)~~.

C) For wells in which the total depth is less than 500 feet below the base of the freshwater, no surface casing or cement basket is required, but the production casing shall be cemented from total depth to surface.

- 4) Wells located over a coal mined out area or a gas storage field shall set and cement at least 100 feet of surface casing before drilling to the depth of the mined out area, into the mined out

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area or to the depth of the gas storage zone and a cement basket set 50 feet below the base of the freshwater and the production casing, cemented from the basket to the surface or, if required under section 240.1360, a mine string set in accordance with section 240.1360(b).

## c) Production Casing

Production casing shall be set and cemented in place by circulating cement behind the production casing from the setting depth of the casing to a minimum of 250 feet above the shallowest permitted injection interval. The casing shall be set no higher than 50 feet above the top of the uppermost permitted injection interval in an open hole completion.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 240.760 Establishment of Internal Mechanical Integrity for Class II UIC Wells

- a) For purposes of this Section, establishment of Internal Mechanical Integrity includes proper placement of the packer in accordance with subsection (b) below and successful completion of a pressure test in accordance with subsection (g) below.
- b) Injection shall be through tubing and packer unless alternative construction methods are approved by the U.S. Environmental Protection Agency. The packer shall be placed no higher than 200 feet above the uppermost perforations or the casing seat in an open hole completion, provided the packer is within the cemented portion of the production casing such that there is at least 50 feet of cement above the packer, and further provided the packer is no less than 100 feet below the base of the freshwater. No perforations shall be left open above the packer unless they are isolated by a dual packer or concentric packer system. If a dual packer is used, the uppermost packer must satisfy the placement requirements of this subsection.
- c) If the packer cannot be set in accordance with subsection (b) above due to existing well construction, casing leaks within the cemented portion of the production casing, or an obstruction in the well, the permittee may request and the Department may specify an alternate packer setting depth provided the packer remains within the cemented portion of the production casing. In determining an alternate packer setting depth the Department shall take into consideration the current construction of the well, the depth of the freshwater and the nature of the obstruction.
- d) The permittee shall contact the District Office in which the well is located at least 24 hours prior to the initial setting or any resetting of the packer in a Class II UIC well to enable an inspector to be present when the packer is set. Setting of the packer must be reported on a form prescribed by the Department.

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e) An internal mechanical integrity test shall be performed:

- 1) prior to initial injection into a newly permitted Class II UIC well;
- 2) prior to initial injection into a Class II UIC well after a change to a new, permitted injection zone;
- 3) prior to resuming injection into any Class II UIC well after any workover work-over of the well involving the resetting or movement of a packer;
- 4) prior to initial injection into a Class II UIC well after the well has been reactivated from temporary abandonment status;
- 5) whenever the Department has reason to believe, based upon well records or field observation, and subject to the provisions of Sections 240.140, 240.150 and 240.170 of this Part, that the Class II UIC well may be leaking or improperly constructed; and
- 6) at least once every 5 years measured from the date of the last successful test unless a temporary abandonment is approved in accordance with Section 240.132 240.136.

f) All Class II UIC wells not subjected to an internal mechanical integrity pressure test as of September 1, 1990 shall be tested by September 1, 1995, unless Future Use status was approved prior to July 14, 2000. ~~temporarily abandoned-in accordance-with--Section--240.113b~~ ~~within--5--years--after--July--14--1995~~ During the first 4 years, each permittee shall conduct an internal mechanical integrity test each year commencing September 1 on at least 20% of the permittee's total Class II UIC wells of record as of September 1 as reported to each permittee by the Department. During the fifth year each permittee shall conduct an internal mechanical integrity test on all remaining untested Class II UIC wells that are of record September 1, 1994 or are acquired during the year ending September 1, 1995. Class II UIC wells sold or acquired during the first 4 years shall not affect the total number of wells from which the 20% testing requirement is derived for that year. Wells tested during the year in which they are transferred shall count toward the 20% testing requirement of the permittee who conducted the test. Class II UIC wells temporarily abandoned, converted to production wells or plugged in accordance with the provisions of Subpart K during any year shall count toward the 20% testing requirement.

g) Pressure Test:

The following pressure test shall be performed on Class II UIC wells to establish the internal mechanical integrity of the tubing, casing and packer of the well. The permittee shall contact the District Office in which the well is located at least 24 hours prior to conducting a pressure test to enable an inspector to be present when the test is done. The permittee shall report the test results on a form prescribed by the Department.

- 1) Pressure Test  
The casing-tubing annulus above the packer shall be tested under the supervision of the Department at a minimum pressure

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differential between the tubing and the annulus of 50 PSIG for a period of 30 minutes. In addition, the casing-tubing annulus starting test pressure shall not be less than 300 PSIG and may vary no more than 5 percent of the starting test pressure during the test. The well may be operating or shut in during the test.

2) Monitoring Test

For those wells which are structurally unable to withstand the pressure test specified in subsection (g)(1) above because the packer would unseat, but not because the well is improperly constructed, the permittee may make application to perform a monitoring test in lieu of the pressure test on forms prescribed by the Department. An approved monitoring test will consist of pressuring the annulus to a specified pressure no less than 50 PSIG and monitoring the positive annular pressure over a specified period of time. In determining whether to approve a monitoring test, and in establishing the test parameters (i.e., positive annulus pressure, tubing injection pressure, injection rate monitoring method and length and frequency of monitoring), the Department shall consider well construction including:

- A) the volume of the casing-tubing annulus;
  - B) depth of packer;
  - C) pressure below the packer; and
  - D) type of tubing and packer.
- h) Any Class II UIC well which fails an internal mechanical integrity test, or on which an internal mechanical integrity test has not been performed when required by subsections (e) and (f) ~~subsection (f) and (g) above~~, shall be shut in until the well is plugged or until remedial work is completed and an internal mechanical integrity test is successfully completed. ~~The if the necessary work shall be has not been completed within 90 days, for within any greater length of time established by the Department due to weather conditions--the--well shall--be--temporarily--abandoned--in--accordance--with--Section--240.113b(f) of--this--Part.~~

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 240.780 Reporting Requirements for Class II UIC Wells

a) Well Completion Reports

1) Contents

The Well Completion Report shall be completed on a form prescribed by the Department and shall contain:

- A) the name and location of the well;
- B) information on the construction of the well;
- C) information on the injection zones and the type of completion treatment performed on each zone; and



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- D) Injection rates and pressures.
- 2) Newly drilled or converted wells
- A Well Completion Report shall be submitted to the Department within 30 days after the conclusion of initial completion activities (i.e., setting of tubing and packer) or within 30 days after the expiration of the permit if the well was not drilled or converted.

- 3) Existing wells
- A Well Completion Report shall be completed and submitted to the Department for each recompletion of any existing injection well. Recompletion includes injection into a zone not previously used for injection in the well. The Well Completion Report shall be submitted within 30 days after the completion of any such workover or recompletion activity.

## b) Well Drilling Report

- 1) For all wells drilled or deepened after the effective date of this Section, a Well Drilling Report shall be completed by the permittee on a form prescribed by the Department.

- 2) The Well Drilling Report shall be submitted to the State Geological Survey within 90 days after drilling ceases and shall contain:

- A) the name and location of the well;
- B) drilling information;
- C) the geologic names and depths of the formations encountered in drilling the well;
- D) the results of all drill stem tests; and
- E) a copy of the drilling time or geolograph record if a geophysical log was not run, unless the well is drilled with air rotary tools.

- 3) Well Drilling Reports are not required for well conversions not entailing a deepening of the well.

## c) Geophysical Logs

A copy of all open hole wire line or geophysical logs run on the well shall be submitted to the State Geological Survey within 90 days after drilling ceases, or in the case of a conversion of an existing well only if the well is deepened.

## d) Drill Cuttings

- 1) Notification and Collection of Drill Cuttings
- The Department shall notify the permittee when cuttings are required to be collected. Drill cuttings shall be collected for each run drilled in cable tool wells and each 10 feet of distance drilled in rotary or air drilled wells. The permittee shall obtain containers for the cuttings, and deliver the cuttings to the Illinois State Geological Survey in Champaign, Illinois. When cuttings are required, a Drilling Time log shall also be submitted.

## 2) When Drill Cuttings Required

- Drill cuttings shall be submitted for each well when drill

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cuttings have not previously been submitted from any well within 1/2 mile of the newly permitted well. If the newly permitted well is drilled to a depth greater than any other well within 1/2 mile, drill cuttings shall be requested from the approximate previously submitted depth to the total depth in the newly permitted well.

## e) Annual Well Status Report

The permittee of each Class II UIC well shall file an Annual Well Status Report on forms prescribed by the Department. The report shall be filed by May 1 of each year for the preceding calendar year for all wells which have not received Department approval for temporary abandonment or been plugged by the end of the reporting year, and shall include:

- 1) the name and location of the well;
- 2) the names of all injection wells;
- 3) the setting depth of the packer; and
- 4) the average maximum monthly injection rates and pressures.

## f) Annual Enhanced Oil Recovery Project Report

The operator of an enhanced oil recovery project shall complete an annual project report on forms prescribed by the Department and submit the report to the State Geological Survey by May 1 of each year.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART H: LEASE OPERATING REQUIREMENTS

## Section 240.810 Tanks, Tank Batteries and Containment Dikes

## a) Tank Battery Registration

- 1) All new tank batteries constructed after January 1, 2001 shall be registered with the Department, when the tank battery is constructed, by the permittee of the wells on the lease where the tank battery is located. Registration shall be on a form prescribed by the Department.

- 2) All tank batteries existing on the effective date of this rulemaking are required to be registered with the Department, by the permittee of the wells on the lease where the tank battery is located.

- 3) All tank batteries shall be transferred, at the time of associated well transfers, on forms prescribed by the Department.
- 4) No fees will be charged for tank registration and tank battery transfer.

- 5) The tank battery registration number shall be displayed on the tank battery.

## b) Tank and Tank Battery Requirements

- 1) All tanks and tank batteries containing produced fluids or equipped to receive produced fluids shall be surrounded by

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containment dikes ~~except--tanks--located--in--a--floodplain--that--floods--at--least--annually.~~

- 2) Tanks shall not be buried.
- 3) All tanks shall be maintained in a leak-free condition.
- 4) All open top tanks shall be covered with bird netting or other system designed to keep birds and flying mammals from landing in the tank.
- 5) New tank batteries constructed after January 1, 2001 shall not be located:

A) within 200 feet of an existing occupied dwelling, unless the current owner of the structure has provided a written waiver consenting to the construction closer than 200 feet, in which case the tank battery shall be completely fenced to prevent unauthorized access; or

B) within 200 feet of a stream, body of water, or marshy land, unless the permittee can demonstrate to the Department that construction standards or topography will prevent accidental discharge into these features.

## c) Containment Dike Construction

- 1) A containment dike shall have a capacity of at least ~~one-and-one-half~~ <sup>(1 1/2)</sup> times the largest tank it contains and be bermed at least ~~eighteen~~ <sup>18</sup> inches above the ground surface.
- 2) Containment dikes shall be constructed of native soil. In areas of sand, containment dikes shall be constructed of clay non-sandy soils and the bottom of the dike area shall be lined with at least ~~six~~ <sup>6</sup> inches of clay non-sandy soil.
- 3) Containment dikes shall not have any breach or other uncontrolled conduit that penetrates the dike and allows the discharge of produced water, liquid oilfield wastes or stormwater.
- 4) Discharge of produced fluids, stormwater or other liquid oilfield wastes is prohibited, unless the permittee obtains an NPDES permit from the Illinois Environmental Protection Agency (IEPA).

## d) Containment Dike Maintenance

- 1) The area within the dike shall remain free of liquid oilfield waste, general oilfield waste, equipment debris, stormwater ~~storm water~~ runoff and excessive vegetation.
- 2) Any spill or discharge of produced fluids or other liquid oilfield wastes occurring within a containment dike shall be remediated in place in accordance with Section 240.891(a).
- 3) Any spill escaping from a containment dike shall be cleaned up in accordance with Sections 240.890 and 240.895 of this Part.

## e) Tank and Containment Dike Restoration

- 1) Remove all tanks and above ground piping and flowlines coming into tank battery.
- 2) Level and grade soil containment dikes.
- 3) Remove from site all non-soil constructed containment dikes.
- 4) Remediate all oil contaminated soil at tank site in accordance with Section 240.891(a).

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(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 240.870 Leaking Unpermitted Drill Hole

Where any fluids are potentially leaking into the freshwater as determined by geologic and field investigation or are leaking onto the surface, through an unpermitted drill hole, the unpermitted drill hole shall be plugged by the current permittee of the lease where the unpermitted drill hole is located if such permittee is operating an injection well or has a permitted Class II well within the lease unit, or contiguous group of leases operated by the same permittee. ~~If the Department receives overwhelming documented geologic and/or engineering evidence that the current permittee of the lease where the leaking drill hole is located is not causing the leak, the Department may require the adjacent permittee to plug the drill hole.~~ Pending plugging of the well, all injection wells within a 1/4 mile radius of the leaking drill hole shall be shut-in until the leaking drill hole is plugged. The leaking or previously leaking drill hole shall be plugged regardless of well status at the time of plugging.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 240.875 Leaking Previously Plugged Permitted Well

Where any fluids are potentially leaking into the freshwater zones or to the surface as determined by geologic and field investigation, through a ~~previously-plugged--permitted~~ well plugged under the supervision of the Department, the well shall be replugged by the last permittee of record for the lease on which the leaking well was located when the well was last plugged. ~~permittee responsible for plugging the well.~~ If the permittee is no longer in existence or cannot be located, the well shall be plugged or replugged by the current permittee of the lease where the well is located. Pending plugging of the well all injection wells within a 1/4 mile radius of the leaking well shall be shut-in until the leaking well is plugged. The leaking or previously leaking unpermitted well shall be plugged regardless of well status at the time of plugging.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 240.880 Initial Spill Notification

- a) Applicability  
This Section covers spills of crude oil and produced water from tanks, pits, concrete storage structures, containment dikes and flowlines located within the boundaries of an oil and gas lease, unit, or underground gas storage field. Spills from flowlines beyond the

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lease, unit, or gas storage field boundaries are included if part of a flowline gathering system transporting produced fluids to a central collection point prior to connection or transfer to a crude oil or gas purchase pipeline. Spills from interstate pipeline or refined product pipeline are not included and are under the jurisdiction of the Illinois Environmental Protection Agency.

b) Spills of crude oil in excess of 1 barrel, or produced water in excess of 5 barrels, onto the surface of the land (if not contained by containment dikes around tanks) shall be reported immediately to the Department's District Office responsible for the county where the spill occurred. The initial report shall contain at a minimum:

- 1) the name of the permittee responsible for the spill;
- 2) the location of the spill;
- 3) the amount of crude oil and saltwater spilled;
- 4) the areal extent of the spill;
- 5) the cause of the spill;
- 6) proposed emergency clean-up action.

c) All crude oil spills, regardless of amount, which enter streams, rivers, ponds, lakes, wetlands or other bodies of water, shall be reported immediately to the Illinois Emergency Management Agency (IEMA) and to the Department's District Office responsible for the county where the spill occurred.

d) All spills which are not required to be reported in accordance with subsection (a) or (b) above are subject to clean-up requirements of Section 240.891 240-890 and Section 240.895 of this Part.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

## Section 240.890 Crude Oil Spill Clean-up Requirements

a) All crude oil spills that ~~which~~ occur after November 8, 1993, regardless of amount, from wells, flowlines, tanks, concrete storage structures, pits or containment dikes are subject to this Section ~~which as soon as practicable be contained using earthen dikes, booms and other containment measures to minimize the amount of area affected by the spill.~~

b) The permittee is required to initiate the following emergency response procedures for all crude oil spills as soon as practical after a spill has occurred: ~~Impounded free oil shall be picked up and put in lease storage tanks or removed from the area.~~

1) Contain spilled crude oil using earthen dikes, booms and other containment measures to minimize the amount of area affected by the spill.

2) If a spill enters surface waters, the spill shall be contained with booms and/or underflow dams and removed as expeditiously as possible. If it is determined that burning the oil-affected area will prevent further contamination of the surface waters, an

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emergency burn may be conducted in accordance with Section 240.891(c) of this Part.

3) Cause of spill shall be repaired.

4) Impounded free oil shall be picked up and put in lease storage tanks or removed from the site.

c) Remaining oil on the land surface shall be removed using absorbent material. The absorbent material ~~which~~ shall be disposed of in accordance with Section 240.891(b) of this Part.

d) Contaminated soil shall be remediated in accordance with Section 240.891(a)(1) through (4) or, if required to be removed from the site in accordance with subsection (f) of this Section, ~~it~~ <sup>they</sup> below shall be disposed of in accordance with Section 240.891(a)(5) <sup>by</sup>.

e) If a spill ~~leaves the immediate lease area and enters a public road ditch, visible oil-contaminated soil shall be removed from the roadside ditch and irradgrated over the area affected by the spill and incorporated in accordance with Section 240-891(f) of this Part.~~

1) Removed from the site in accordance with Section 240.891(a)(5); <sup>OR</sup>

2) Remediated in accordance with Section 240.891(a)(1) through (4). ~~If a spill enters surface waters, the spill shall be contained with booms and/or underflow dams and removed as expeditiously as possible. If it is determined that burning the oil-affected area will prevent further contamination of the surface waters, an emergency burn shall be sought from the IEMA in accordance with Section 240-891 of this Part.~~

(g) The ~~in determining whether the~~ Department may will require additional remedial clean-up action to be taken by the permittee, which may include flushing of the area (e.g., stream banks, etc.) with freshwater, the addition of organic material (e.g., peat moss, straw), chemical treatment, additional diking of the soil or soil and absorbent material removal if the soil and/or absorbent material within the spill area cannot meet the TPH (total petroleum hydrocarbon) standard specified in Section 240.891(a)(1)(C). ~~The following factors shall be taken into consideration based on information provided by the permittee upon the Department's request:~~

1) The permittee shall be required to submit on request, or, at a minimum, within 90 days after the spill occurred, on a form prescribed by the Department, the following information:

- 1) the areal extent of the spill;
- 2) the proximity of surface waters, freshwaters or surface drainage ways;
- 3) the type of soil and current land use; and
- 4) the total petroleum hydrocarbon--~~TPH~~ content in the spill area.

5) explanation of spill cause; and

6) planned efforts to prevent and minimize the effects of future spills.

b) Additional reports are required each 90 days until the spill clean-up

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is completed and approved by the Department.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 240.891 Crude Oil Spill Waste Disposal and Remediation

- a) On-Site Remediation of Contaminated Soil
- 1) The soil affected by a spill may shall be remediated in place and shall at a minimum be:
    - A) fertilized with 5 pounds of 12-12-12 fertilizer or an amount of other fertilizer sufficient to treat the soil with 0.25 lbs of nitrogen per 100 square feet of affected area;
    - B) limed with at least 50 lbs of agricultural grade lime per 100 square feet of affected area in order to maintain a pH of between 6-8; if the pH of the soil/oil mixture is less than 6, additional lime shall be incorporated to increase pH above 6;
    - C) tilled to a depth of at least 4 inches but no greater than 12 inches to create a soil and crude oil mixture that contains which is less than 5% total petroleum hydrocarbon (TPH) following the completion of the initial tilling as determined using Environmental Protection Agency Method 418-i;
    - D) watered to maintain soil moisture sufficient to promote plant growth (if extremely dry soil conditions exist); and
    - E) stabilized to minimize erosion and run-off of stormwater.
  - 2) Contaminated soils not remediated in place may, with approval from the Department and the landowner, be land spread and remediated in accordance with subsection (a)(1) above, on land unaffected by the spill, but located on the same lease where the spill occurred.
  - 3) If the soil in the affected area is frozen or previously saturated due to rain or snow melt, prohibiting compliance with subsections (a)(1)(A) through (D) above, the permittee shall stabilize the area to prevent any surface run-off from leaving the affected area until conditions permit compliance with subsections (a)(1)(A) through (D) above.
  - 4) The soil affected by the spill may be required to be tested by the Department one year later using Environmental Protection Agency Method 418-i. The soil and crude oil mixture must contain be less than 1% total petroleum hydrocarbon TPH within 12 months after the date of the spill, utilizing a Department accepted methodology.
  - 5) Contaminated soils removed from the site for off-site disposal shall be disposed of at an Environmental Protection Agency permitted special waste landfill, waste treatment or disposal facility.

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b) Contaminated Absorbent Materials

- 1) Off-site disposal
  - A) All non-organic/non-biodegradable absorbent materials and all organic/biodegradable materials in excess of 500 cubic feet shall be disposed of at an Environmental Protection Agency permitted non-hazardous special waste landfill, waste treatment or disposal facility. Organic/biodegradable materials amounting to less than 500 cubic feet may be disposed of at a permitted non-hazardous special waste landfill or disposed of in accordance with subsection (b)(1)(2)(B) below.
- 2) On-site disposal
  - A) On-site disposal of non-organic/non-biodegradable absorbent materials is prohibited. These materials must be removed in accordance with subsection (a)(5) (b)(1)-(b)(4) above.
  - B) On-site disposal of less than 500 cubic feet of organic/biodegradable absorbent materials through landspreading over the area affected by the spill is permitted if it involves only materials generated at the site and is remediated in accordance with subsections (a)(1) through (4).
  - C) Landspreading of absorbent materials is permitted shall be subject to the provisions of subsection (a)(2) Section 240.899(f) and subsection (a) of this section.
- cd) Emergency Burning
  - 1) Open burning of spilled crude oil is permitted when imminent weather conditions threaten to further contaminate surface waters or immediate collection for disposal is impractical.
  - 2) Burning shall only be permitted when conditions will not cause the burn to affect nearby residences or the visibility on nearby roads.
  - 3) Notice Approval must be given to received from the Illinois Environmental Protection Agency prior to the emergency burn, and appropriately designated Illinois Department of Natural Resources personnel must be on the scene throughout the burn.
  - 4) The local fire department shall be notified, if the burn is near a town or city.
  - 5) A report must be filed with the Department, on a form prescribed by the Department, Illinois Environmental Protection Agency within 10 days after the burn, indicating:
    - A) the place and time of the burn;
    - B) the quantity burned;
    - C) meteorological conditions; and
    - D) the reason the emergency burn was necessary.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



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- a) All spills of produced water that ~~which~~ occur after November 8, 1993, from wells, flowlines, pits, concrete storage structures, tanks or containment dikes, shall as soon as practicable be contained using earthen dikes and other containment measures to minimize the amount of area affected by the spill.
- b) All impounded produced water shall be picked up and removed from the site for disposal into a Class II UIC well. ~~The area shall then be immediately flushed with freshwater in an amount equal to the spill.~~
- c) ~~Lined with at least 50 lbs. of agricultural grade lime per 100 square feet of affected area and tilled to a depth of at least 4 inches.~~
- d) In determining whether the Department will require additional remedial clean-up ~~cleanup~~ action to be taken by the permittee, which may include flushing of the area with freshwater, the addition of organic material (e.g., peat moss, straw), additional chemical treatment, additional and diking the soil, or soil removal, the permittee shall be required to submit within 90 days after the spill date, on a form prescribed by the Department, the following information ~~the following factors shall be taken into consideration based on information provided by the permittee upon the Department's request:~~
- 1) the quantity and areal extent of the spill;
  - 2) the nature of the soil;
  - 3) the flow capacity of affected surface waters;
  - 4) the public safety; and
  - 5) the proximity of freshwaters, surface waters, and surface drainage features; ~~ways~~
  - 6) explanation of spill cause; and
  - 7) planned efforts to prevent and minimize the effects of future spills.
- e) Additional reports are required each 90 days until the spill remediation is completed and approved by the Department.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

SUBPART 1: LIQUID OILFIELD WASTE HANDLING AND  
DISPOSAL AND SPILL RELATED WASTE

## Section 240.940 Crude Oil Bottom Sediments

- a) Crude oil bottom sediments removed from tanks, concrete storage structures and pits on a lease or unit may ~~can~~ be:
- a) transported by a permitted liquid oilfield waste hauler to an Illinois Environmental Protection Agency (IEPA) licensed special waste landfill, to an IEPA licensed land off-site treatment facility, to a Class ~~class~~ II injection well for disposal or to a crude oil bottom sediment recycling facility;
  - b) injected in a well in accordance with Section 240.950(e)(1)(B); or
  - c) bioremediated ~~Bioremediated~~ on-site through land spreading ~~in~~

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- accordance with Section 240.891(a)(2) and ~~chemical treatment is allowed under an EPA waste disposal permit; or~~
- dc) ~~Crude oil bottom sediments removed from tanks, pits or concrete storage structures on a lease or unit can only be used for road oiling on the lease or unit where the sediments were generated in accordance with Section 240.943, under the following conditions:~~
- 1) ~~the permittee shall apply for and receive a lease road oiling permit for each lease or unit from the Department on a form prescribed by the Department prior to oiling any lease road;~~
  - 2) Application for a lease road oiling permit shall include:
    - A) the location of the lease or unit;
    - B) the permittee's name and address;
    - C) the method to be used for application of the bottom sediments;
    - D) a map showing the lease roads to be oiled and the location of any surface waters on or immediately adjacent to the lease or unit; and
    - E) written consent from the current surface owner or owners of the lease or unit.
  - 3) Upon approval, crude oil bottom sediment shall be applied to lease roads in such a fashion as to avoid run-off during application onto immediately adjacent land areas. Immediately following completion of the application, all liquids shall be incorporated or otherwise absorbed into the soil with no visible free standing oil.
  - 4) No lease road shall be oiled more than twice yearly.
  - 5) Lease road oiling shall not be conducted when the ground is frozen or during rainy weather and shall not be allowed in areas subject to frequent flooding.
  - 6) Crude oil bottom sediments used for lease road oiling shall not have a produced water content of greater than 10% free water by volume.
  - 7) Lease road oiling permits shall be issued for each lease or unit and shall be valid for as long as the lease or unit is active and the provisions of this Section are complied with.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 240.945 Lease Road Oiling

- a) Lease road oiling shall not be allowed without receiving a permit from the Department.
- b) The permittee shall apply for and receive a lease road oiling permit for each lease or unit from the Department on a form prescribed by the Department prior to oiling any lease road.
- c) Application for a lease road oiling permit shall include:
  - 1) the location of the lease or unit;

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- 2) the permittee's name and address;
- 3) the method to be used for application of the bottom sediments;
- 4) a map showing the lease roads to be oiled and the location of any surface drainage features on or immediately adjacent to the lease or unit; and
- 5) written consent from the current surface owner or owners allowing the crude oil bottom sediment application.
- d) Upon approval, crude oil bottom sediment shall be applied to lease roads in such a fashion as to avoid run-off during application onto immediately adjacent land areas. Immediately following completion of the application, all liquids shall be incorporated or otherwise absorbed into the soil with no visible freestanding oil.
- e) No lease road shall be oiled more than twice yearly.
- f) Lease road oiling shall not be conducted when the ground is frozen or during precipitation events and is prohibited in areas subject to frequent flooding.
- g) Crude oil bottom sediments used for lease road oiling shall not have a produced water content of greater than 10% free water by volume.
- h) Lease road oiling permits are not transferable and are required for each lease unit. The permit shall be valid for as long as the lease or unit is active under the current permittee or the surface owner named on the permit does not change.
- i) Lease road oiling material applied without a permit shall be removed from the road and properly disposed of.
- j) Lease road oiling permits are subject to revocation in accordance with Section 240.251.

(Source: Added at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART K: PLUGGING OF WELLS

## Section 240.1115 Plugging Responsibility

The current permittee or person required to be the permittee is responsible for plugging wells as defined in Sections 240.207, 240.300, 240.1800 and 240.1900 of this Part. In the case of leaking wells, plugging responsibility is in accordance with Sections 240.870 and 240.875 of this Part.

(Source: Added at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 240.1130 Plugging and Temporary Abandonment of Inactive Production Wells and Certain Class-II Oil Wells

- a) Any idle inactive production well on an active lease or unit that which has not been in operation for 24 consecutive months shall be deemed abandoned, in accordance with Section 240.1600(c) of this Part,

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- and plugged in accordance with Section 240.1140 of this Part unless the well has been approved for ~~temporarily-abandoned-and~~ Future Use status ~~is approved~~ in accordance with subsection (c) below.
- b) Any idle production well on an inactive lease or unit, where the lease or unit has not been in operation for 24 consecutive months shall be deemed abandoned and not eligible for Future Use status pending a hearing held in accordance with Section 240.1610. ~~Any Class-II Oil Well(s) without tubing-and-packer shall be plugged-in accordance with Section 240.1140-of-this-Part-unless-the-well-has-been-temporarily-abandoned-and-Future-Use-status-is-approved-in accordance-with subsection-(c)-below.~~
  - c) The permittee shall apply for ~~may request~~ Future Use status by making written application on forms provided by the Department. The Department ~~may~~ shall place the well on Future Use ~~abandonment status for an initial 5-year period and issue a Future Use permit Permit~~; if the well meets the following conditions (which shall be continuing requirements):
    - 1) The well ~~shall have proper bond-in effect-in accordance-with-the Act~~; ~~the permittee must not be delinquent-in payment-of-any annual-well-fee assessment~~;
      - A) shall have proper bond in effect in accordance with the Act, if applicable; and
      - B) cannot be the subject of any final administrative decision for abandonment.
    - 2) The well shall have an intact leak free wellhead or be capped with a valve, and configured to monitor casing or annual pressure.
    - 3) ~~if-the-well-is-an-injection-well-as-defined-in-subsection-(b)-of this-Section-an-injection-lines-shall-be-disconnected-at-the well~~;
      - 34) If the well is a permitted gas well and the well has a sustained gas pressure at the surface, the requirements of subsections (c)(5) and (c)(6) and (c)(7) below do not apply.
      - 45) The wellhead shall be above ground level.
      - 56) The fluid level is no higher than 100 feet below the base of the freshwater as evidenced by an annual fluid level test conducted by the permittee after notice to and under the supervision of the Department, using acoustical or wire line measuring methods. If the Department authorizes the permittee to conduct an annual fluid level test without the presence of a well inspector, the permittee shall report the annual fluid level test on a form prescribed by the Department. The fluid level test shall be conducted annually ~~during the initial 5-year period-of-temporary abandonment~~ unless the permittee elects to satisfy the requirements of subsection (c)(6)(A) or (B). (c)(7)(B) or (c)(8) below.
      - 67) If the fluid level, as tested, is higher than 100 feet below the base of the freshwater, the permittee, under the supervision of

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the Department, shall:

- A) set a cast iron plug within 200 feet above the perforated or open hole interval in the cemented portion of the production casing, but no less than 100 feet below the base of the freshwater, remove any fluid to a level at least 100 feet below the base of the freshwater zone, and monitor the fluid level annually in accordance with subsection (C)(5) (4)(f)(6) above; or
  - B) set a cast iron plug within 200 feet above the perforated or open hole interval in the cemented portion of the production casing, but no less than 100 feet below the base of the freshwater, and pressure test the casing by maintaining a pressure of 300 PSIG (which may vary no more than 5%) for a period of 30 minutes; or
  - E) install tubing and set a packer in accordance with the requirements of Section 240-74b, and conduct an observation well in accordance with the requirements of Section 240-76b of this Part.
- Section 240-76b of this Part.
- d) If a Future Use request is denied for a well within the initial 5-year Future Use status period, the permittee shall, within 90 days, plug the well or correct the deficiency that caused the denial and secure an approved Future Use Permit.
  - e) Future Use status shall not be extended beyond an initial 5-year cumulative period of time over the life of a Class II-6B well. At the end of the 5-year cumulative period the well shall be plugged in accordance with Subpart N of this Part, successfully tested in accordance with Section 240-76b of this Part, or converted to a production well by removing the tubing and packer and permitting the well in accordance with subsection (b) of this Section. If the Class II-6B well is part of a gas storage field, the well may be converted to an observation well and permitted in accordance with Subpart R of this Part.
  - f) A Class II well during the initial 5-year Future Use status period may not be converted to a water supply or observation well prior to performing a successful mechanical integrity pressure test in accordance with Section 240-76b(f).
  - g) Class II wells in Future Use status for less than 5 years as specified in subsection (c) of this Section shall not be reactivated until tubing and packer is set and an internal mechanical integrity test is passed in accordance with Section 240-76b of this Part.
  - h) Future Use status for production wells shall not be terminated until the well is active for a period of one year and a Future Use termination request is approved by the Department. Future Use termination requests shall be on a form prescribed by the Department and shall be accompanied by evidence of the sale of oil or natural gas during the preceding 12 month period.
  - i) After the expiration of the initial 5-year period, the permittee of wells on Future Use status which are located in a producing unit or

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on a producing reservoir will be granted annually upon request an annual extension of Future Use status provided the wells remain in compliance with subsection (c) of this Section and the lease or unit on which the wells are located remains active in production. Future Use status for production and observation wells shall be granted for an initial 5-year period after the expiration of the initial 5-year period. The permittee of wells on Future Use status on a non-producing lease or unit shall be denied an extension of Future Use status and the wells shall be plugged within 6 months from the date of the denial unless Future Use status is requested in accordance with Section 240-74b of this Part within 60 days the person or permittee's failure to request Future Use extension in accordance with Section 240-74b of this Part shall constitute a waiver of all legal rights to contest the Future Use request denial decision which shall become a final administrative decision pursuant to Section 10 of the Act.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

# Section 240.1131 Extension of Future Use Status for Production Wells (Repealed)

- a) The permittee of wells on Future Use status and other inactive producing or injection wells that are required to be in Future Use status in accordance with Section 240-1131(a) of this Part and are located on the same non-producing unit or lease shall petition the Department for Future Use extension within 60 days after denial of a Future Use request following the expiration of the initial 5-year period.
- b) The petition for Future Use extension shall contain:
  - 1) Cumulative production from the well on Future Use status for the unit or lease where the Future Use status well and other non-producing wells are located;
  - 2) Production records for the past 5 years for all wells on the unit or lease;
  - 3) Estimated remaining reserves with supporting documentation and a description of the reservoir geology underlying the unit or lease; and
  - 4) Future plans for all wells on the unit or lease.
- c) Upon receipt of the petition the Department shall review the documentation to determine the status of the other inactive wells on the non-producing unit or lease which shall be subject to all Future Use extension requirements and schedule a hearing.
- d) All hearings under Subpart N of this Part shall be conducted by a non-Departmental hearing officer and shall be held in the Department's offices located in Springfield, Illinois.
- e) A pre-hearing conference may be held after the receipt of the request for hearing.



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- 1) A pre-hearing conference shall be scheduled in order to:
- 1) Simplify the factual and legal issues presented by the hearing request;
  - 2) Receive stipulations and admissions of fact and of the contents and authenticity of documents;
  - 3) Exchange lists of witnesses the parties intend to have testify and copies of all documents the parties intend to introduce into evidence at the hearing;
  - 4) Set a hearing date and
  - 5) Discuss and resolve such other matters as may tend to expedite the disposition of the hearing request and to assure a just conclusion;
  - 6) Pre-hearing conferences may be held by telephone conference if such procedure is acceptable to all parties;
  - 7) At the Future Use extension hearing the permittee shall present evidence in support of the Future Use status extension request. The Department may ask questions or request additional information from the permittee during the hearing. The hearing officer may administer oaths and affirmations; subpoena witnesses and written or printed materials; compel attendance of witnesses or production of materials; compel discovery and take evidence;
  - 8) Within 30 days after the close of the record for the Future Use extension hearing the hearing officer shall issue a final administrative decision pursuant to Section 10 of the Act;
  - 9) If Future Use status is approved all other inactive wells on the non-producing unit or lease shall be placed in the same status as the well for which the Future Use status extension was approved;
  - 10) Wells not approved for extension of Future Use status and all other inactive wells located on the same non-producing unit or lease as specified in subsection (e) of this Section shall be plugged within 6 months from the date of the Department's final administrative decision.

(Source: Repealed at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 240.1132 Plugging and Temporary Abandonment of Inactive Class II UIC Wells

- 1) Any Class II UIC well located on an active lease, equipped with tubing and packer and which has previously established mechanical integrity in accordance with Section 240.760, shall maintain mechanical integrity in accordance with Section 240.760 of this Part or shall be plugged in accordance with Section 240.1140 of this Part unless the well has been approved for Future Use status in accordance with subsection (e).
- 2) Any inactive Class II UIC well located on an inactive lease, when the lease has not been in operation for 24 consecutive months, shall be

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- 1) Any inactive Class II UIC well located on an active lease, without tubing and packer, and which has previously established mechanical integrity in accordance with Section 240.760, shall be plugged in accordance with Section 240.1140 of this Part unless the well is approved for Future Use status in accordance with subsection (e).
- 2) Any inactive Class II UIC well located on an active lease, equipped with tubing and packer or without tubing and packer, and that has not previously established mechanical integrity in accordance with Section 240.760, shall be plugged in accordance with Section 240.1140 unless the well is approved for Future Use status in accordance with subsections (e)(1), (2) and (3) and establishes mechanical integrity as follows:
  - 1) A cast iron plug shall be set within 200 feet above the perforated or open hole interval in the cemented portion of the production casing, but no less than 100 feet below the base of the freshwater, and the casing shall be pressure tested by maintaining a pressure of 300 PSIG (which may vary no more than 5%) for a period of 30 minutes; or
  - 2) Install tubing and a packer and conduct a passing internal mechanical integrity test in accordance with Section 240.760 of this Part.
- 3) The permittee shall apply for Future Use status by making written application on forms provided by the Department. The Department shall place the well on Future Use status and issue a Future Use permit if the well meets the following conditions (which shall be containing requirements):
  - 1) The well shall:
    - 1) Have proper bond in effect in accordance with the Act if applicable; and
    - 2) Not be the subject of any final administrative decision for abandonment.
  - 2) The well shall have an intact, leak free wellhead or be capped with a valve, be configured to monitor casing or annular pressure, and have injection lines disconnected.
  - 3) The wellhead shall be above ground level.
  - 4) The fluid level is no higher than 100 feet below the base of the freshwater and evidenced by an annual fluid level test conducted by the permittee after notice to and under the supervision of the Department, using acoustical or wire line measuring methods. If the Department authorizes the permittee to conduct an annual fluid level test without the presence of a well inspector, the permittee shall report the annual fluid level test on a form prescribed by the Department. The fluid level test shall be conducted annually.
  - 5) If the fluid level, as tested, is higher than 100 feet below the base of the freshwater, the permittee, under supervision of the



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Department shall:

- A) set a cast iron plug within 200 feet above the perforated or open hole interval in the cemented portion of the production casing, but no less than 100 feet below the base of the freshwater, remove any fluid to a level at least 100 feet below the base of the freshwater zone, and monitor the fluid level annually; or
- B) set a cast iron plug within 200 feet above the perforated or open hole interval in the cemented portion of the production casing, but no less than 100 feet below the base of the freshwater, and pressure test the casing by maintaining a pressure of 300 PSIG (which may vary no more than 5%) for a period of 30 minutes.

(Source: Added at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

SUBPART N: ISSUANCE OR TRANSFER OF PERMIT TO OPERATE

Section 240.1440 Responsibilities of New Permittee or Proposed New Permittee

Prior to the Department effecting the transfer, the new permittee or proposed new permittee shall:

- a) pay the required non-refundable transfer fee as follows: A fee of \$15 per well shall be paid by the new owner for each transfer of well ownership, except that when multiple wells are acquired and transferred as a part of the same transaction, the fee shall be calculated at the rate of \$15 per well for the first 50 wells, and \$10 for each additional well in excess of 50 wells [225 ILCS 725/14];
- b) provide the required bond, if applicable, in accordance with Subpart O;
- c) if a corporation, provide evidence that the corporation is incorporated or authorized to do business in the State of Illinois; and authorized under its charter to engage in the permitted activity;
- d) if an individual, partnership, or other unincorporated entity that is not a resident of Illinois, provide an irrevocable consent to be sued in Illinois;
- e) if issued, submit an FEIN number;
- f) submit to the Department a copy of the instrument conveying the right to drill and produce. The document shall consist of:
  - 1) a lease assignment properly recorded in the county where the lease is located; or
  - 2) a voluntary release executed by the lessee and properly recorded in the county where the lease is located or a court order involuntarily terminating a lease; or
  - 3) any other document evidencing the assignment, transfer or sale to the new permittee of the right to drill and operate the well(s) on the land in question;

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- ) if the transfer request is for a PRF well, the new permittee or proposed new permittee shall comply with Section 240.1465 240.1465 of this Part.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

SUBPART P: WELL PLUGGING AND RESTORATION PROGRAM

Section 240.1600 Definitions

The following definitions are applicable to this Subpart:

"Abandoned Well" means:

A well:

for which the underlying lease has been released in writing by the lessee or has been declared forfeited or invalid by a court order, such order is final and the appeal period has lapsed; and

the lessor states in writing that the lessor has not leased out the oil and gas working interest to any other person and does not intend to so lease, that the lessor does not intend to operate the well, and that the lessor desires that the well be plugged; or

A well owned by a permittee who has made no payment by November 1 of a current annual well fee assessment; or

A well for which a bond was forfeited in accordance with Section 6 of the Illinois Oil and Gas Act;

A well that has not produced for over 2 years;

A well for which the permit has been revoked in accordance with Section 240.251 of this Part; or

A well that has been plugged but not restored in accordance with Section 240.1170 of this Part.

"Emergency Clean-up Project" means an emergency crude oil production facility or crude oil or saltwater spill clean-up or remediation of conditions endangering public health or safety or contaminating surface waters, ground water, or the surface of the land.

"Emergency Repair Work" means work to repair or contain leaks of

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produced fluids from production equipment, pits, or other containment structures that are contaminating surface waters, ground waters or are flowing in sufficient quantity to create an increasing area of contamination on the surface of the land.

"Emergency Well plugging" means the plugging and abandonment of a well or wells that are actively flowing oil or saltwater and are contaminating surface waters, ground waters or flowing in sufficient quantity to create an increasing area of contamination on the surface of the land, or a well leaking natural gas or hydrogen sulfide gas in sufficient quantity to endanger public safety or create a fire hazard or a non-leaking well which poses an imminent danger to public safety.

"PRR" means the Department's Plugging and Restoration Fund, established under Section 6 of the Illinois Oil and Gas Act. Monies from this fund shall be spent in accordance with 44 Ill. Adm. Code 610.

"Well Site Equipment" means the equipment, including but not limited to an associated tank battery and production facility equipment, hydrocarbons from the well that are stored in tanks located on the lease, and hydrocarbons recovered during the plugging operation, that may be sold at a public auction or a public or private sale. All well site equipment and hydrocarbons acquired by a person by sale shall be acquired under clear title, subject to any perfected prior legal or equitable claims. (Section 19.6 of the Oil and Gas Act)

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 240.1610 Plugging Leaking or Abandoned Wells

a) If the Department finds, upon inspection, that a well drilled for the exploration, development, storage or production of oil or gas, or for injection, saltwater disposal, saltwater source, observation, and geological or structure test, may be abandoned or leaking saltwater, oil, gas or other deleterious substances into any freshwater formation or onto the surface of the land, the Department may schedule a hearing pursuant to Section 19.1 of the Act to order the well plugged if abandoned or repaired or plugged if leaking.

b) Hearings

1) Notice of Hearing

Whenever the Department holds a hearing pursuant to Section 19.1 of the Act, the Department shall give written notice to the permittee **and surface-owner** personally or by certified mail sent to the permittee's last known address. The notice shall include the date, time, place, nature of the hearing and the name and address of the hearing officer. The notice shall be mailed at

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least 14 days prior to the scheduled hearing date.

2) Permittee Right to Counsel, Appearance

A) Right to Counsel

Any party may appear and be heard through an attorney at law authorized to practice in the State of Illinois.

B) Appearance of Attorney

An attorney appearing in a representative capacity in any proceeding hereunder shall file a written notice of appearance identifying his or her name, address and telephone number, and identifying the party represented.

3) Burden and Standard of Proof

The Department shall have the burden of proof at the hearing. The standard for decision shall be a preponderance of the evidence.

4) Hearing Officer; Powers and Duties

A) The Hearing Officer designated to preside over a hearing shall take all necessary action to avoid delay, to maintain order, and to develop a clear and complete record, and shall have all powers necessary and appropriate to conduct a fair hearing, including the following:

i) To administer oaths and affirmations;

ii) To receive relevant evidence;

iii) To regulate the course of the hearing and the conduct of the parties and their counsel therein;

iv) To consider and rule upon procedural requests;

v) To hold conferences for the settlement or simplification of the issues; and

vi) To examine witnesses and direct witnesses to testify, limit the number of times any witness may testify, limit repetitive or cumulative testimony and set reasonable limits on the amount of time each witness may testify.

B) The Hearing Officer shall allow all parties to present statements, testimony, evidence and argument as may be relevant to the proceeding.

5) Hearing Location

All hearings under this Subpart shall be conducted in the Department's offices located in Springfield, Illinois. However, the Department may conduct a hearing under this Subpart at a site located closer than Springfield, Illinois, to the production and injection/disposal well identified in the Notice of Hearing if facilities are available and satisfactory to the Department.

6) Pre-Hearing Conferences

A) Upon the motion of either party, the Hearing Officer shall schedule a conference in order to:

i) Simplify the factual and legal issues presented by the hearing request;

ii) Receive stipulations, admissions of fact and of the

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- contents and authenticity of documents;
- iii) Exchange lists of all witnesses the parties intend to have testify and copies of all documents the parties have introduced into evidence at the hearing; and
- iv) Discuss and resolve such other matters as may tend to expedite the disposition of the hearing request and to assure a just conclusion of the hearing thereof.

B) Pre-hearing conferences may be held by telephone conference if such procedure is acceptable to all of the parties.

- 7) Postponement or Continuance of Hearing
- A hearing may be postponed or continued for due cause by the Hearing Officer or upon the motion of a party to the hearing. A motion filed by a party to the hearing shall set forth facts attesting that the request for continuance is not for the purpose of delay. Except in the case of an emergency, motions requesting postponement or continuance shall be made in writing and shall be received by all parties to the hearing at least 3 business days prior to the scheduled hearing date. All parties involved in a hearing shall avoid undue delay caused by repetitive postponements or continuance so that the subject matter of the hearing may be resolved expeditiously.

- 8) Default
- If a party, after proper service of notice, fails to appear at a pre-hearing conference or at a hearing, and if no continuance is granted, the Department may then proceed and make its decision in the absence of such party. If the failure to appear at such pre-hearing conference or hearing is due to emergency situation beyond the party's control, and the Department is notified of such situation on or before the scheduled pre-hearing conference or hearing date, the pre-hearing conference or hearing will be continued or postponed pursuant to subsection (b)(7) above. Emergency situations include sudden unavailability of counsel, sudden illness of a party or his representative, or similar situations beyond the party's control.

- 9) Within 30 days after the close of the hearing record, the Hearing Officer shall issue proposed findings of fact, conclusions of law and recommendations as to the disposition of the case.

- 10) The Director shall review the administrative record in conjunction with the hearing officer's recommended findings of fact, recommended conclusions of law and recommendations as to the disposition of the case. The Director shall then issue the Department's final administrative decision affirming, vacating or modifying the hearing officer's decision.

- c) Upon the issuance of a final administrative decision that which finds that a well has been abandoned or is leaking saltwater, oil, gas or other deleterious substances into any freshwater formation or onto the surface of the land, the permittee shall, within 30 days, properly plug, replug or repair the well so as to remedy the situation.

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- d) If the permittee fails to remedy the situation within 30 days from the date of the order, the well shall be placed in the PRP Program.
- e) The Department may authorize any person to enter upon the land and plug, replug, or repair the well and restore the well site. The Department may dispose of all well site equipment and hydrocarbons in accordance with Section 19.6 of the Illinois Oil and Gas Act as follows: public sale, auction, private sale, or by assignment or quit claim deeds to a third party to offset plugging costs.
- f) Proceeds from any public sale, auction or private sale shall be deposited into the Plugging and Restoration Fund in accordance with Section 6(19) of the Illinois Oil and Gas Act or used to offset plugging costs.
- g) The cost of all work completed under this Section shall be paid from the Annual Well Fee portion of the Plugging and Restoration Fund.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 240.1625 Plugging Abandoned Wells Through Landowner Grant

- a) The provisions of this Section apply to:

1) Wells determined to be abandoned in accordance with this Subpart P and placed into the Department Plugging and Restoration Program pursuant to a final administrative decision of the Department.

2) Abandoned wells and associated well and/or production sites may be eligible to be plugged and sites restored under the Landowner Grant Program upon application to the Department by the owner of the land surface on which a well(s) is located, provided that the land surface owner is not the current or a past permittee of the well(s).

b) All wells plugged and well sites restored under this Section shall be completed in accordance with Subpart K.

c) The number of wells plugged and expenditures made under this program are limited to the annual appropriation of funds to the Landowner Grant Program by the legislature.

d) Each land surface owner is limited to receiving a grant amount for a maximum of 5 wells per fiscal year, unless available funds allow the Department to award increased grant amounts.

e) During the first year of the program, grant applications shall only be accepted after December 22, 1997 and be processed in the order they are received until the appropriated funds have been allocated.

f) The following the first year of the program, the Department shall only accept and process grant applications after April 1 for the coming fiscal year. Applications received before April 1 for the coming fiscal year shall be returned to the applicant for submission after April 1. Applications shall be accepted and processed until the allocated funds in the grant program have been awarded, after which time all unawarded grant applications shall be returned to the

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## applicant.

(g) Approved applications shall be considered for funding each year in the order they were received after April 1. The exception will be if the Department determines a well is creating or has the potential to create environmental damage to surface waters or groundwater or poses an immediate danger to the health and safety of the public, the well may be given greater priority on the current year's plugging list.

gh) Grant applications shall contain at a minimum:

- 1) The land surface owner's name, address and telephone number.
- 2) The location of the well(s), with verification from the Department well inspectors.
- 3) An estimated salvage value of the well and well site equipment.
- 4) The cost to plug the well and restore the well site.
- 5) A signed contract between the land surface owner and plugging contractor on a form provided by the Department.
- 6) A signed statement by the land surface owner that the applicant is the owner of the land surface, will be responsible for all costs of plugging the well and well site restoration in accordance with Department regulations, and indemnifies the Department from any liability relative to the plugging activity.

hi) Application Review and Approval

- 1) In determining the approval of the application the Department shall review:
  - A) eligibility of the well to be plugged;
  - B) the reasonableness of the cost to plug the well;
  - C) the salvage value of the on-site equipment; and
  - D) the enforcement history of the proposed plugging contractor.
- 2) If the Department determines that the well is eligible for plugging, the application is properly completed, the plugging cost and estimated salvage value are reasonable in relation to industry standards, and the plugging contractor has no unabated notices of violation or a substantial enforcement history of environmental related violations, the Department shall notify the landowner of the grant award.

ij) Grant Award

- 1) The grant amount shall be the amount requested less the salvage value specified in the grant application or established by the Department during the grant review process.
- 2) The land surface owner shall be notified of the grant award at which time the applicant shall have 10 working days to accept in writing by signing and returning the grant award document.
- 3) Upon completion of the well plugging and site restoration, approved by a well inspector, the Department shall forward the grant funds to the land surface owner. If the well plugging and site restoration is not approved, grant funds will not be awarded.
- 4) All well plugging and well site restoration activities shall be commenced within 120 days and shall be completed within 180 days

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**after Department approval of the grant** by June 30 of the fiscal year in which the grant was approved unless the grant funds are automatically re-appropriated for the next fiscal year.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 240.1630 Emergency Well Plugging, Emergency Repair Work, Emergency Projects

- a) If the Department determines that any condition or practice exists, or that any person or permittee is in violation of any requirement of the Act, this Part or any permit condition, and this practice, condition or violation creates an imminent danger to the health or safety of the public or an imminent danger of significant environmental harm or significant damage to property, the Department shall issue a Cessation order pursuant to Section 240.186 240-1190 of this Part to the last known permittee of record or the permittee responsible for the condition in accordance with Sections 240.870 and 240.875 of this Part. If the responsible party cannot be readily located or refuses to abate the violation after written notification or is no longer in existence, the Department is not required to issue a cessation order and may take any action deemed necessary to correct the condition.
- b) Upon the expiration of time within which abatement was required under the cessation order, if issued, the Department may take any action, including well and facility repair, well plugging, well site restoration, facility clean-up, or emergency clean-up, deemed necessary to cause a cessation of the danger to the public health and safety or environmental harm and abatement of any condition.
- c) The cost of all emergency well plugging, emergency repair work and emergency clean-up projects completed under this Section shall be paid from the Annual Well Fee portion of the Plugging and Restoration Fund. Permittees or responsible parties for which funds were expended under this Section shall be required to reimburse the Plugging and Restoration Fund for all the expenditures.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 240.1640 Repayment of Funds

- a) The permittee must reimburse the Plugging and Restoration Fund for all funds obligated from the Plugging and Restoration Fund, excepting OPA reimbursed monies, for repair, plugging, restoration or clean-up work on the permittee's wells or sites, together with all interest accrued, as provided under Section 19.9 of the Act.
- b) Prior to repayment of all expended funds, the permittee shall not operate any other existing wells in the permittee's name.



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- c) If funds were expended to plug wells, ~~After repayment--of--all--funds~~ the permittee shall be required to post a bond in accordance with Section 240.1500(a)(1)(E) and (a)(2) for a period of 2 consecutive billing cycles in accordance with Section 240.1500(a)(3)(C) prior to permitting or operating any wells.
- d) If funds were expended to repair a well or production facility, restore a well site or perform clean-up work resulting from a leak or spill, the permittee shall have 90 days from the date of demand for reimbursement of the expended funds. If reimbursement is not received within 90 days, the permittee shall be required to post a bond in accordance with Section 240.1500(a)(1)(E) and (a)(2) for a period of 2 consecutive billing cycles in accordance with Section 240.1500(a)(3)(C) prior to permitting or operating any wells.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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- 1) Heading of the Part: Hazardous Waste Injection Restrictions
- 2) Code citation: 35 Ill. Adm. Code 738
- 3) Section numbers: Proposed Action:  
738.118 Amend
- 4) Statutory authority: 415 ILCS 5/7.2, 13, 22.4, and 27.
- 5) A complete description of the subjects and issues involved: A more detailed description is contained in the Board's opinion and order of February 15, 2001, proposing amendments in docket R01-21/R01-23 (consolidated) for public comment, which opinion and order is available from the address below. As is explained in that opinion, the Board will receive public comment on the proposed amendments for 45 days from the date they appear in the *Illinois Register* before proceeding to adopt amendments based on this proposal.

This proceeding would update the Illinois RCRA Subtitle C hazardous waste and underground injection control (UIC) rules to correspond with amendments adopted by the United States Environmental Protection Agency (USEPA) that appeared in the Federal Register during a single update period. The dockets and time period that is involved in this proceeding is the following:

R01-21 Federal RCRA Subtitle C amendments that occurred during the period July 1, 2001, through December 31, 2001.

R01-23 Federal UIC amendments that occurred during the period July 1, 2001, through December 31, 2001.

The consolidated R01-21/R01-23 docket amends rules in 35 Ill. Adm. Code 703, 720, 721, 728, and 738. For a description of the federal actions underlying these amendments, see the Notice of Proposed Amendments for 35 Ill. Adm. Code 703 in this issue of the *Illinois Register*.

Specifically, the amendments to Part 738 implement the UIC segments of the federal November 8, 2000, hazardous waste listings and LDRs for chlorinated aliphatics production wastes.

The table below lists corrections and amendments in Part 738 that are not based on current federal amendments. It includes deviations made in these amendments from the verbatim text of the federal amendments. This table is reproduced from the tables that appear in the Board's opinion of February 15, 2001, in docket R01-21/R01-23 (consolidated). Some of the entries in this table are discussed further in appropriate segments of the general

## POLLUTION CONTROL BOARD

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discussion in that opinion.

Deviations from the Text of the Federal Amendments

Illinois Section	40 C.F.R. Section	Revision(s)
738.118(j)	148.18(j)	Removed the effective date statement "effective May 8, 2001," which will be past prior to the effective date of this Section; changed "EPA Hazardous Waste Numbers" to "USEPA hazardous waste numbers"
738.118(k)	148.18(k)	Added "under any of the following circumstances"

Section 13 of the Environmental Protection Act [415 ILCS 5/13] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).

- 6) Will these proposed amendments replace emergency amendments currently in effect? NO
- 7) Does this rulemaking contain an automatic repeal date? NO
- 8) Do these proposed amendments contain incorporations by reference? No. None of the segments of 35 Ill. Adm. Code 738 under amendment in this proceeding include incorporations by reference.
- 9) Are there any other amendments pending on this Part? NO
- 10) Statement of statewide policy objectives: This rulemaking imposes mandates on units of local government to the extent they may be involved in the generation, transportation, treatment, storage, or disposal of hazardous waste. These mandates are, however, identical-in-substance to mandates imposed by federal law.
- 11) Time, place and manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R01-21/R01-23 (consolidated) and be addressed to:

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Ms. Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board  
State of Illinois Center, Suite 11-500  
100 W. Randolph St.  
Chicago, IL 60601

Address all questions to Michael J. McCambridge, at 312-814-6924. Request copies of the Board's opinion and order from 312-814-3620 or download from the Board's Web site at <http://www.ipcb.state.il.us/>.

12) Initial regulatory flexibility analysis:

A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking affects those small businesses, small municipalities, and not-for-profit corporations that generate, transport, treat, store, or dispose of hazardous waste. Particularly, the amendments would affect hazardous waste combustors; those generating, transporting, or managing chlorinated aliphatic production waste; and those treating PCB-containing soils considered hazardous waste because they exhibit the characteristic of toxicity due to the presence of metals.

B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of operating records.

C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist, and registered professional engineer.

13) Regulatory agenda on which this rulemaking was summarized: January 2001

The full text of the proposed amendments begins on the next page:

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## TITLE 35: ENVIRONMENTAL PROTECTION

## SUBTITLE G: WASTE DISPOSAL

## CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER d: UNDERGROUND INJECTION CONTROL AND  
UNDERGROUND STORAGE TANK PROGRAMS

## PART 738

## HAZARDOUS WASTE INJECTION RESTRICTIONS

## SUBPART A: GENERAL

Section	Purpose, Scope, and Applicability
738.101	Definitions
738.102	Dilution Prohibited as a Substitute for Treatment
738.103	Case-by-Case Extensions of an Effective Date
738.104	Waste Analysis
738.105	

## SUBPART B: PROHIBITIONS ON INJECTION

Section	Waste Specific Prohibitions - Solvent Wastes
738.110	Waste Specific Prohibitions - Dioxin-Containing Wastes
738.111	Waste Specific Prohibitions - California List Wastes
738.112	Waste Specific Prohibitions - First Third Wastes
738.113	Waste Specific Prohibitions - Second Third Wastes
738.114	Waste Specific Prohibitions - Third Third Wastes
738.115	Waste-Specific Prohibitions - Newly-Listed Wastes
738.116	Waste-Specific Prohibitions - Newly-Listed and Identified Wastes
738.117	
738.118	

## SUBPART C: PETITION STANDARDS AND PROCEDURES

Section	Petitions to Allow Injection of a Prohibited Waste
738.120	Required Information to Support Petitions
738.121	Submission, Review and Approval or Denial of Petitions
738.122	Review of Adjusted Standards
738.123	Termination of Adjusted Standards
738.124	

AUTHORITY: Implementing Sections 7-2, 13, and 22-4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7-2, 13, 22-4, and 27].

SOURCE: Adopted in R89-2 at 14 Ill. Reg. 3059, effective February 20, 1990; amended in R89-11 at 14 Ill. Reg. 11948, effective July 9, 1990; amended in R90-14 at 15 Ill. Reg. 11425, effective July 24, 1991; amended in R92-13 at 17 Ill. Reg. 6190, effective April 5, 1993; amended in R93-6 at 17 Ill. Reg. 15641, effective September 14, 1993; amended in R93-4 at 19 Ill. Reg. 9501, effective June 27, 1993; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 238, effective June 27, 1995.

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effective December 16, 1997; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17486, effective September 28, 1998; amended in R98-21/R99-2/R99-7 at 23 Ill. Reg. 1695, effective January 19, 1999; amended in R00-11/R01-1 at 24 Ill. Reg. 18576, effective December 7, 2000; amended in R01-21/R01-23 at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART B: PROHIBITIONS ON INJECTION

## Section 738.118 Waste-Specific Prohibitions - Newly-Listed and Identified Wastes

- All newly identified D004 through D011 wastes and characteristic mineral processing wastes, except those identified in subsection (b) of this Section, are prohibited from underground injection.
- Characteristic hazardous wastes from titanium dioxide mineral processing, and radioactive wastes mixed with newly identified D004 through D011 or mixed with newly identified characteristic mineral processing wastes, are prohibited from underground injection.
- The wastes specified in 35 Ill. Adm. Code 721 as USEPA hazardous waste numbers F032, F034, F035 are prohibited from underground injection.
- The wastes specified in 35 Ill. Adm. Code 721 as USEPA hazardous waste numbers F032, F034, F035 that are mixed with radioactive wastes are prohibited from underground injection.
- The wastes specified in 35 Ill. Adm. Code 721.132 as having the following USEPA hazardous waste numbers are prohibited from underground injection: K156, K157, K159, K160, K161, K127, K128, K185, K189, K186, K190, K191, K192, K194, K196, K197, K198, K199, K201, K202, K203, K204, K205, K271, K277, K278, K279, K280, K364, K365, K366, K367, K372, K373, K375, K376, K377, K378, K379, K381, K382, K383, K384, K385, K386, K387, K389, K390, K391, K392, K393, K394, K395, K396, K400, K401, K402, K403, K404, K407, K409, K410, and K411.
- The wastes specified in 35 Ill. Adm. Code 721.132 as USEPA hazardous waste number K088 is prohibited from underground injection.
- The wastes specified in 35 Ill. Adm. Code 721 as having the following USEPA hazardous waste numbers and Mixed TC/Radioactive wastes are prohibited from underground injection: D018, D019, D020, D021, D022, D023, D024, D025, D026, D027, D028, D029, D030, D031, D032, D033, D034, D035, D036, D037, D038, D039, D040, D041, D042, and D043.
- This subsection corresponds with 40 CFR 117.18(h), which USEPA has removed and marked "reserved." This statement maintains structural consistency with the federal regulations.
- The wastes specified in 35 Ill. Adm. Code 721.132 as USEPA hazardous waste numbers K169 through K172 are prohibited from underground injection.
- The wastes specified in 35 Ill. Adm. Code 721.132 as USEPA hazardous waste number K174 and K175 are prohibited from underground injection.
- The requirements of subsections 738.118 through 738.124 of this Section do not

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apply under any of the following circumstances:

- 1) if the wastes meet or are treated to meet the applicable standards specified in Subpart D of 35 Ill. Adm. Code 728; or
- 2) if an exemption from a prohibition has been granted in response to a petition under Subpart C of this Part; or
- 3) During the period of extension of the applicable effective date, if an extension has been granted under Section 728.104.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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- 1) Heading of the Part: Hazardous Waste Management System: General

- 2) Code citation: 35 Ill. Adm. Code 720

- 3) Section numbers: Proposed Action:  
720.111 Amend

- 4) Statutory authority: 415 ILCS 5/7.2, 13, 22.4, and 27.

- 5) A complete description of the subjects and issues involved: A more detailed description is contained in the Board's opinion and order of February 15, 2001, proposing amendments in docket R01-21/R01-23 (consolidated) for public comment, which opinion and order is available from the address below. As is explained in that opinion, the Board will receive public comment on the proposed amendments for 45 days from the date they appear in the *Illinois Register* before proceeding to adopt amendments based on this proposal.

This proceeding would update the Illinois RCRA Subtitle C hazardous waste and underground injection control (UIC) rules to correspond with amendments adopted by the United States Environmental Protection Agency (USEPA) that appeared in the Federal Register during a single update period. The dockets and time period that is involved in this proceeding is the following:

R01-21

Federal RCRA Subtitle C amendments that occurred during the period July 1, 2001, through December 31, 2001.

R01-23

Federal UIC amendments that occurred during the period July 1, 2001, through December 31, 2001.

The consolidated R01-21/R01-23 docket amends rules in Parts 703, 720, 721, 728, and 738. For a description of the federal actions underlying these amendments, see the Notice of Proposed Amendments for 35 Ill. Adm. Code 703 in this issue of the *Illinois Register*.

Specifically, the amendments to Part 720 implement segments of the federal December 22, 2000, amendments to the CWA analytical methods of 40 C.F.R. 136, as incorporated by reference in Section 720.111.

The table below lists corrections and amendments in Part 720 that are not based on current federal amendments. It contains corrections and clarifications that the Board made in the base text involved in these amendments. This table is reproduced from the tables that appear in the Board's opinion of February 15, 2001, in docket R01-21/R01-23 (consolidated). Some of the entries in these tables are discussed further



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in appropriate segments of the general discussion in that opinion.

Board Housekeeping Amendments

Section	Source	Revision(s)
720.111(b)	Board	Updated the citation to the 2000 edition of the Code of Federal Regulations (17 times)
720.111(c)	Board	Removed the incorporation of section 3004 of RCRA

Sections 13 and 22.4 of the Environmental Protection Act [415 ILCS 5/13 and 22.4] provide that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).

6) Will these proposed amendments replace emergency amendments currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? Yes. The centralized listing of incorporations by reference appears at 35 Ill. Adm. Code 720.111 for the purpose of all of 35 Ill. Adm. Code 702 through 705, 720 through 726, 728, 730, 733, and 739. The present amendments accomplish the following:

They update the version of 40 C.F.R. 60 and 63 incorporated by reference to add the July 10, 2000 amendments to the federal hazardous waste combustor rule and hazardous waste combustor NESHAP.

They update the federal Clean Water Act analytical procedures of 40 CFR 136 incorporated by reference to include the federal amendments of December 22, 2000.

Since the 2000 edition of the Code of Federal Regulations is now available from the federal Government Printing Office, they update the cited edition of the C.F.R. to 2000 for all references. (The reference to 40 C.F.R. 268.41 will continue to cite the 1990 edition of the C.F.R., so that 35 Ill. Adm. Code 728.140(i) will continue to comport with corresponding 40 C.F.R. 268.40(i), which cites that older edition.)

They delete the incorporation of 93Section 3004 of the Resource

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Conservation and Recovery Act (42 USC 6901 et seq.), as amended through December 31, 1987, by reference in Section 720.111(c), since no particular requirements from that section are actually incorporated into the Illinois RCRA regulations by reference.

9) Are there any other amendments pending on this Part? No

10) Statement of statewide policy objectives: This rulemaking imposes mandates on units of local government to the extent they may be involved in the generation, transportation, treatment, storage, or disposal of hazardous waste. These mandates are, however, identical-in-substance to mandates imposed by federal law.

11) Time, place and manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R01-21/R01-23 (consolidated) and be addressed to:

Ms. Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board  
State of Illinois Center, Suite 11-500  
100 W. Randolph St.  
Chicago, IL 60601

Address all questions to Michael J. McCambridge, at 312-814-6924. Request copies of the Board's opinion and order from 312-814-3620 or download from the Board's Web site at <http://www.ipcb.state.il.us/>.

12) Initial regulatory flexibility analysis:

A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking affects those small businesses, small municipalities, and not-for-profit corporations that generate, transport, treat, store, or dispose of hazardous waste. Particularly, the amendments would affect hazardous waste combustors; those generating, transporting, or managing chlorinated aliphatic production waste; and those treating PCB-containing soils considered hazardous waste because they exhibit the characteristic of toxicity due to the presence of metals.

B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of operating records.

C) Types of professional skills necessary for compliance: Compliance with

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the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist, and registered professional engineer.

- 13) Regulatory agenda on which this rulemaking was summarized: January 2001

The full text of the proposed amendments begins on the next page:

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TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE G: WASTE DISPOSAL  
CHAPTER I: POLLUTION CONTROL BOARD  
SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 720  
HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL

SUBPART A: GENERAL PROVISIONS

Section  
720.101  
720.102  
720.103

Purpose, Scope, and Applicability  
Availability of Information; Confidentiality of Information  
Use of Number and Gender

SUBPART B: DEFINITIONS

Section  
720.110  
720.111

Definitions  
References

SUBPART C: RULEMAKING PETITIONS AND OTHER PROCEDURES

Section  
720.120  
720.121  
720.122  
720.123  
720.130  
720.131  
720.132  
720.133  
720.140

Rulemaking  
Alternative Equivalent Testing Methods  
Waste Delisting  
Petitions for Regulation as Universal Waste  
Procedures for Solid Waste Determinations  
Solid Waste Determinations  
Boiler Determinations  
Procedures for Determinations  
Additional regulation of certain hazardous waste Recycling Activities on a case-by-case basis  
Procedures for case-by-case regulation of hazardous waste Recycling Activities

720.141

APPENDIX A Overview of 40 CFR, Subtitle C Regulations

AUTHORITY: Implementing Sections 7.2, 13, and 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 13, 22.4, and 27].

SOURCE: Adopted in R81-22 at 5 Ill. Reg. 9781, effective May 17, 1982; amended and codified in R81-22 at 6 Ill. Reg. 4828, effective May 17, 1982; amended in R82-19 at 7 Ill. Reg. 14015, effective Oct. 12, 1983; amended in R84-9 at 9 Ill. Reg. 11819, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 968, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 13998, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20630, effective

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December 2, 1986; amended in R86-28 at 11 111. Reg. 6017, effective March 24, 1987; amended in R86-46 at 11 111. Reg. 13435, effective August 4, 1987; amended in R87-5 at 11 111. Reg. 19280, effective November 12, 1987; amended in R87-26 at 12 111. Reg. 2450, effective January 15, 1988; amended in R87-39 at 12 111. Reg. 12999, effective July 29, 1988; amended in R88-16 at 13 111. Reg. 362, effective December 27, 1988; amended in R89-1 at 13 111. Reg. 18278, effective November 13, 1989; amended in R89-2 at 14 111. Reg. 3075, effective February 20, 1990; amended in R89-9 at 14 111. Reg. 6225, effective April 16, 1990; amended in R90-10 at 14 111. Reg. 16450, effective September 25, 1990; amended in R90-17 at 15 111. Reg. 7934, effective May 9, 1991; amended in R91-1 at 15 111. Reg. 14446, effective September 30, 1991; amended in R91-13 at 16 111. Reg. 9489, effective June 9, 1992; amended in R92-1 at 16 111. Reg. 17636, effective November 6, 1992; amended in R92-10 at 17 111. Reg. 5625, effective March 26, 1993; amended in R93-4 at 17 111. Reg. 20545, effective November 22, 1993; amended in R93-16 at 18 111. Reg. 6720, effective April 26, 1994; amended in R94-7 at 18 111. Reg. 12160, effective July 29, 1994; amended in R94-17 at 18 111. Reg. 17480, effective November 23, 1994; amended in R95-6 at 19 111. Reg. 9508, effective June 27, 1995; amended in R95-20 at 20 111. Reg. 10929, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 111. Reg. 256, effective December 16, 1997; amended in R98-12 at 22 111. Reg. 7590, effective April 15, 1998; amended in R97-21/R98-3/R98-5 at 22 111. Reg. 17496, effective September 28, 1998; amended in R98-21/R99-2/R99-7 at 23 111. Reg. 1704, effective January 19, 1999; amended in R99-15 at 23 111. Reg. 9094, effective July 26, 1999; amended in R00-3 at 24 111. Reg. 1063, effective January 6, 2000; amended in R00-13 at 24 111. Reg. 9443, effective June 20, 2000; amended in R01-3 at 25 111. Reg. 1266, effective January 11, 2001; amended in R01-21/R01-23 at 25 111. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART B: DEFINITIONS

## Section 720-111 References

The following documents are incorporated by reference for the purposes of this Part and 35 111. Adm. Code 703 through 705, 721 through 726, 728, 730, 733, 738, and 739:

- a) Non-Regulatory Government Publications and Publications of Recognized Organizations and Associations:

ACI. Available from the American Concrete Institute, Box 19150, Redford Station, Detroit, Michigan 48219:

ACI 318-83: "Building Code Requirements for Reinforced Concrete", adopted September 1983.

ANSI. Available from the American National Standards Institute, 1430 Broadway, New York, New York 10018, 212-354-3300:

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ANSI B31.3 and B31.4. See ASME/ANSI B31.3 and B31.4.  
 API. Available from the American Petroleum Institute, 1220 L Street, N.W., Washington, D.C. 20005, 202-682-8000:

"Cathodic Protection of Underground Petroleum Storage Tanks and Piping Systems", API Recommended Practice 1632, Second Edition, December 1987.

"Evaporative Loss from External Floating-Roof Tanks", API Publication 2517, Third Edition, February 1989.

"Guide for Inspection of Refinery Equipment, Chapter XIII, Atmospheric and Low Pressure Storage Tanks", 4th Edition, 1981, reaffirmed December 1987.

"Installation of Underground Petroleum Storage Systems", API Recommended Practice 1615, Fourth Edition, November 1987.

ASME. Available from the American Society of Mechanical Engineers, 345 East 47th Street, New York, NY 10017, 212-705-7722:

"Chemical Plant and Petroleum Refinery Piping", ASME/ANSI B31.3-1987, as supplemented by B31.3a-1988 and B31.3b-1989. Also available from ANSI.

"Liquid Transportation Systems for Hydrocarbons, Liquid Petroleum Gas, Anhydrous Ammonia, and Alcohols", ASME/ANSI B31.4-1986, as supplemented by B31.4a-1987. Also available from ANSI.

ASTM. Available from American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103, 215-299-5400:

ASTM C 94-90, Standard Specification for Ready-Mixed Concrete, approved March 30, 1990.

ASTM D 88-87, Standard Test Method for Saybolt Viscosity, April 24, 1981, reapproved January 1987.

ASTM D 93-85, Standard Test Methods for Flash Point by Pensky-Martens Closed Tester, approved October 25, 1985.

ASTM D 1946-90, Standard Practice for Analysis of Reformed Gas by Gas Chromatography, approved March 30, 1990.

ASTM D 2161-87, Standard Practice for Conversion of

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## NOTICE OF PROPOSED AMENDMENTS

Kinematic Viscosity to Saybolt Universal or to Saybolt Furol Viscosity, March 27, 1987.

ASTM D 2667-88, Standard Test Method for Aromatics in Light Naphthalene and Aviation Gasolines by Gas Chromatography, approved November 17, 1988.

1382-88, Standard Test Method for Heat of Combustion of Hydrocarbon Fuels by Bomb Calorimeter (High Precision Method), approved October 31, 1988.

ASTM D 2879-92, Standard Test Method for Vapor Pressure-Temperature Relationship and Initial Decomposition Temperature of Liquids by Isotenscope, approved 1992.

3828-87, Standard Test Methods for Flash Point of Liquids by Setflash Closed Tester, approved December 14, 1988.

ASTM E 168-88, Standard Practices for General Techniques of Infrared Quantitative Analysis, approved May 27, 1988.

ASTM E 169-87, Standard Practices for General Techniques of Ultraviolet-Visible Quantitative Analysis, approved February 1, 1987.

ASTM E 260-85, Standard Practice for Packed Column Gas Chromatography, approved June 28, 1985.

ASTM Method G 21-70 (1984a), Standard Practice for Determining Resistance of Synthetic Polymer Materials to Fungi.

ASTM Method G 22-76 (1984b), Standard Practice for Determining Resistance of Plastics to Bacteria.

MICE. Methods Information Communication Exchange Service, 703-821-4690:

"Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA Publication number SW-846, Update II (April 1998).

GPO. Available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, 202-512-1800:

Standard Industrial Classification Manual (1972), and 1977

## POLLUTION CONTROL BOARD

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Supplement, republished in 1983.

"Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA Publication number SW-846 (Third Edition, November 1986), as amended by Updates I (July 1992), II (September 1994), III (August, 1993), IIB (January 1995), and IIC (December 1996) (Document Number 953-001-00000-1).

NACE. Available from the National Association of Corrosion Engineers, 1400 South Creek Dr., Houston, TX 77084, 713-492-0535:

"Control of External Corrosion on Metallic Buried, Partially Buried, or Submerged Liquid Storage Systems", NACE Recommended Practice RP-02-85, approved March 1985.

NFPA. Available from the National Fire Protection Association, Batterymarch Park, Boston, MA 02269, 617-770-3000 or 800-344-3555:

"Flammable and Combustible Liquids Code" NFPA 30, issued July 17, 1987. Also available from ANSI.

NTIS. Available from the U.S. Department of Commerce, National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161, 703-605-6000 or 800-553-6847:

APTI Course 415: Control of Gaseous Emissions, PB8020895, December 1981.

"Generic Quality Assurance Project Plan for Land Disposal Restrictions Program", EPA/530-SW-87-011, March 15, 1987 (document number PB-88-170766).

"Guideline on Air Quality Models", Revised 1986 (document number PB86-245-248 (guideline) and PB88-150-958 (Supplement), also set forth at 40 CFR 51, Appendix W).

"Method 164, Revision A, n-Hexane Extractable Material (HEM; Oil and Grease) and Silica Gel Treated n-Hexane Extractable Material (SGT-HM; Non-polar Material) by Extraction and Gravimetry" (document number PB99-121949).

"Methods for Chemical Analysis of Water and Wastes", Third Edition, March 1983 (document number PB84-128677).

"Methods Manual for Compliance with BIF Regulations", December 1990 (document number PB91-120-006).



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"Petitions to Delist Hazardous Wastes -- A Guidance Manual, Second Edition", EPA/530-R-93-007, March 1993 (document number PB93-169 365).

"Screening Procedures for Estimating the Air Quality Impact of Stationary Sources", October 1992, Publication Number EPA-450/R-92-019.

"Test Methods for Evaluating Solid Waste. Physical/Chemical Methods", USEPA Publication number SW-846 (Third Edition, November 1986), as amended by Updates I (July 1992), II (September 1994), IIIA (August 1995), IIB (January 1995), IIC (December 1996), and IIIA (April 1996) (document number 935-001-00000-1).

OECD. Organisation for Economic Co-operation and Development, Environment Directorate, 2 rue Andre Pascal, 75775 Paris Cedex 16, France:

OECD Guideline for Testing of Chemicals, Method 301B: "CO2 Evolution (Modified Sturm Test)", adopted 17 July 1992.

Table 2.B of the Annex of OECD Council Decision C(88)90(Final) of 27 May 1988.

STI. Available from the Steel Tank Institute, 728 Anthony Trail, Northbrook, IL 60062, 708-498-1980:

"Standard for Dual Wall Underground Steel Storage Tanks" (1986).

USDOD. Available from the United States Department of Defense:

"DOD Ammunition and Explosive Safety Standards" (DOD 6055.9-STD), as in effect on November 8, 1995.

The Motor Vehicle Inspection Report (DD Form 626), as in effect on November 8, 1995.

Requisition Tracking Form (DD Form 1348), as in effect on November 8, 1995.

The Signature and Tally Record (DD Form 1907), as in effect on November 8, 1995.

Special Instructions for Motor Vehicle Drivers (DD Form 836), as in effect on November 8, 1995.

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USEPA. Available from United States Environmental Protection Agency, Office of Drinking Water, State Programs Division, WH 550 E, Washington, D.C. 20460:

"Technical Assistance Document: Corrosion, Its Detection and Control in Injection Wells", EPA 570/9-87-002, August 1987.

USEPA. Available from Receptor Analysis Branch, USEPA (MD-14), Research Triangle Park, NC 27711:

"Screening Procedures for Estimating the Air Quality Impact of Stationary Sources, Revised", October 1992, Publication Number EPA-450/R-92-019.

USEPA. Available from RCRA Information Center (RIC), 1235 Jefferson-Davis Highway, first floor, Arlington, VA 22203 (Docket #F-94-IEHF-FFFFF):

OECD Amber List of Wastes, Appendix 4 to the OECD Council Decision C(92)39/FINAL (Concerning the Control of Transfrontier Movements of Wastes Destined for Recovery Operations) (May 1993).

OECD Green List of Wastes, Appendix 3 to the OECD Council Decision C(92)39/FINAL (Concerning the Control of Transfrontier Movements of Wastes Destined for Recovery Operations) (May 1994).

OECD Red List of Wastes, Appendix 5 to the OECD Council Decision C(92)39/FINAL (Concerning the Control of Transfrontier Movements of Wastes Destined for Recovery Operations) (May 1993).

Table 2.B of the Annex of OECD Council Decision C(88)90(Final) (May 27, 1988).

USGSA. Available from the United States Government Services Administration:

Government Bill of Lading (GBL) (GSA Standard Form 1109), as in effect on November 8, 1995.

b) Code of Federal Regulations. Available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20401, 202-783-3238:

10 CFR 20, Appendix B (2000)†††††

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- 40 CFR 51.100(ii) (2000)(†1999)  
40 CFR 51, Appendix W (2000)(†1999)  
40 CFR 52.741, Appendix B (2000)(†1999)  
40 CFR 60 (2000), as amended at 65 Fed. Reg. 42297 (July 10, 2000) (†1999)  
40 CFR 61, Subpart V (2000)(†1999)  
40 CFR 63 (2000), as amended at 65 Fed. Reg. 42296 (July 10, 2000)(†1999)  
40 CFR 136 (2000)(†1999), as amended at 65 Fed. Reg. 81295 (December 22, 2000) 73414-(December-30-1999)-and-65-Fed.-Reg-3088-(January-19-2000)  
40 CFR 142 (2000)(†1999)  
40 CFR 220 (2000)(†1999)  
40 CFR 232.2 (2000)(†1999)  
40 CFR 260.20 (2000)(†1999)  
40 CFR 264 (2000)(†1999)  
40 CFR 268.41 (†1999)  
40 CFR 268, Appendix IX (2000)(†1999)  
40 CFR 270.5 (2000)(†1999)  
40 CFR 302.4, 302.5, and 302.6 (2000)(†1999)  
40 CFR 761 (2000)(†1999)  
49 CFR 171 (2000)(†1999)  
49 CFR 173 (2000)(†1999)  
49 CFR 178 (2000)(†1999)

c) Federal Statutes

Section-3004-of-the-Resource-Conservation-and-Recovery-Act--(42 USC-6901-et-seq-)-as-amended-through-December-31-1987-

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Sections 201(v), 201(w), and 360b(j) of the Federal Food, Drug, and Cosmetic Act (FDCA: 21 USC 321(v), 321(w), and 512(j)), as amended through October 25, 1994.

Section 1412 of the Department of Defense Authorization Act of 1986, Pub. L. 99-145, 50 USC 1521(j)(1) (1997).

d) This Section incorporates no later editions or amendments.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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## NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Identification And Listing of Hazardous Waste2) Code citation: 35 Ill. Adm. Code 7213) Section numbers:721.132 Proposed Action:

Amend

721.138 Amend

Amend

Amend

APPENDIX G  
APPENDIX H4) Statutory authority: 415 ICS 5/7.2, 22.4, and 27.

5) A complete description of the subjects and issues involved: A more detailed description is contained in the Board's opinion and order of February 15, 2001, proposing amendments in docket R01-21/R01-23 (consolidated) for public comment, which opinion and order is available from the address below. As is explained in that opinion, the Board will receive public comment on the proposed amendments for 45 days from the date they appear in the *Illinois Register* before proceeding to adopt amendments based on this proposal.

This proceeding would update the Illinois RCRA Subtitle C hazardous waste and underground injection control (UIC) rules to correspond with amendments adopted by the United States Environmental Protection Agency (USEPA) that appeared in the Federal Register during a single update period. The dockets and time period that is involved in this proceeding is the following:

R01-21 Federal RCRA Subtitle C amendments that occurred during the period July 1, 2001, through December 31, 2001.  
R01-23 Federal UIC amendments that occurred during the period July 1, 2001, through December 31, 2001.

The consolidated R01-21/R01-23 docket amends rules in 35 Ill. Adm. Code 703, 720, 721, 728, and 736. For a description of the federal actions underlying these amendments, see the Notice of Proposed Amendments for 35 Ill. Adm. Code 703 in this issue of the *Illinois Register*.

Specifically, the amendments to Part 721 implement segments of the federal July 10, 2000, corrections to the hazardous waste combustor rule and hazardous waste combustor NESHA's and the November 8, 2000, hazardous waste listings and UDRs for chlorinated aliphatics production wastes.

The tables below list numerous corrections and amendments in Part 721 that are not based on current federal amendments. The first table includes deviations made in these amendments from the verbatim text of the federal

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## NOTICE OF PROPOSED AMENDMENTS

amendments. The second table contains corrections and clarifications that the Board made in the base text involved in these amendments. These tables are reproduced from the tables that appear in the Board's opinion of February 15, 2001, in docket R01-21/R01-23 (consolidated). Some of the entries in these tables are discussed further in appropriate segments of the general discussion in that opinion.

Table 1:  
Deviations from the Text of the Federal Amendments

Illinois Section	40 C.F.R. Section	Revision(s)
721.132 "K174"	261.32	Changed the roman numeral designations for sub-segments of the listing to Arabic numerals; moved the extended prepositional phrase "upon . . . ethylene dichloride" to the beginning of the sentence, offset by a comma as a parenthetical; changed the singular "the respondent . . . it meets"; moved the restrictive relative clause "that . . . were met" to immediately follow the word "documentation" to which it relates; changed "owner/operator" to "owner or operator";
721.Appendix G "K174"	40 CFR 261, Appendix VIII	Changed all words except chemical name and the abbreviated names to lower-case; placed automatic hyphens in appropriate places in the long chemical names; removed the parentheses from chemical names and placed all abbreviated names in parentheses (seven times)
721.Appendix H	40 CFR 261,	Added automatic

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Appendix VIII

721.132 heading

261.32

hyphenation to the chemical names

"octachlorodibenzo-p-dioxin" and

"octachlorodibenzofuran"

Changed the heading to title case

Table 2:

Board Housekeeping Amendments

Section	Source	Revision(s)
721.138(c)(1)(A)(ii)	Board	Changed "shall" to "must"
721.138(c)(2)	Board	Changed "shall" to "must"
721.138(c)(6)	Board	Changed "shall" to "must"
721.138(c)(7)	Board	Changed "shall" to "must" (three times)
721.138(c)(7)(B)(vi)	Board	Changed "which" to "that" for a restrictive relative clause
721.138(c)(7)(C)	Board	Changed "shall" to "must"
721.138(c)(8)(E)	Board	Changed "shall" to "must"
721.138(c)(8)(H)	Board	Changed "shall" to "must"
721.138(c)(8)(I)	Board	Changed "shall" to "must"
721.138(c)(11)	Board	Changed "shall" to "must"

Section 22.4 of the Environmental Protection Act [415 ILCS 5/22.4] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).

- 6) Will these proposed amendments replace emergency amendments currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No. None of the segments of 35 Ill. Adm. Code 721 under amendment in this proceeding include incorporations by reference.
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of statewide policy objectives: This rulemaking imposes mandates on units of local government to the extent they may be involved in the generation, transportation, treatment, storage, or disposal of hazardous waste. These mandates are, however, identical-in-substance to mandates (JCAR).

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imposed by Federal law.

- 11) Time, place and manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R01-21/R01-23 (consolidated) and be addressed to:

Ms. Dorothy M. Gunn, Clerk

Illinois Pollution Control Board

State of Illinois Center, Suite 11-500

100 W. Randolph St.

Chicago, IL 60601

Address all questions to Michael J. McCambridge, at 312-814-6924. Request copies of the Board's opinion and order from 312-814-3620 or download from the Board's Web site at <http://www.ipcb.state.il.us/>.

- 12) Initial regulatory flexibility analysis:

- A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking affects those small businesses, small municipalities, and not-for-profit corporations that generate, transport, treat, store, or dispose of hazardous waste. Particularly, the amendments would affect hazardous waste combustors; those generating, transporting, or managing chlorinated aliphatic production waste; and those treating PCB-containing soils considered hazardous waste because they exhibit the characteristic of toxicity due to the presence of metals.
- B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of operating records.
- C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist, and registered professional engineer.

- 13) Regulatory agenda on which this rulemaking was summarized: January 2001

The full text of the proposed amendments begins on the next page:



## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

## TITLE 35: ENVIRONMENTAL PROTECTION

## SUBTITLE G: WASTE DISPOSAL

## CHAPTER I: POLLUTION CONTROL BOARD

## SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

## PART 721

IDENTIFICATION AND LISTING OF  
HAZARDOUS WASTE

## SUBPART A: GENERAL PROVISIONS

## Section

721.101 Purpose and Scope

721.102 Definition of Solid Waste

721.103 Definition of Hazardous Waste

721.104 Exclusions

721.105 Special Requirements for Hazardous Waste Generated by Small Quantity Generators

721.106 Requirements for Recyclable Materials

721.107 Residues of Hazardous Waste in Empty Containers

721.108 PCB Wastes Regulated under TSCA

721.109 Requirements for Universal Waste

SUBPART B: CRITERIA FOR IDENTIFYING THE  
CHARACTERISTICS OF HAZARDOUS WASTE  
AND FOR LISTING HAZARDOUS WASTES

## Criteria for Identifying the Characteristics of Hazardous Waste

## Criteria for Listing Hazardous Waste

## SUBPART C: CHARACTERISTICS OF HAZARDOUS WASTE

## Section

721.120 General

721.121 Characteristic of Ignitability

721.122 Characteristic of Corrosivity

721.123 Characteristic of Reactivity

721.124 Toxicity Characteristic

## SUBPART D: LISTS OF HAZARDOUS WASTE

## Section

721.130 General

721.131 Hazardous Wastes from Nonspecific Sources

721.132 Hazardous Waste from Specific Sources

721.133 Discarded Commercial Chemical Products, Off-Specification Species, Container Residues, and Spill Residues Thereof

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721.135 Wood Preserving Wastes

721.138 Comparable or Syngas Fuel Exclusion

## APPENDIX A

## APPENDIX B

Representative Sampling Methods

Method 1311 Toxicity Characteristic Leaching Procedure (TCLP)

Chemical Analysis Test Methods

TABLE A Analytical Characteristics of Organic Chemicals (Repealed)

TABLE B Analytical Characteristics of Inorganic Species (Repealed)

TABLE C Sample Preparation/Sample Introduction Techniques (Repealed)

Basis for Listing Hazardous Wastes

APPENDIX G Hazardous Constituents

APPENDIX H Wastes Excluded by Administrative Action

APPENDIX I Wastes Excluded by U.S. EPA under 40 CFR 260.20 and 260.22 from Non-Specific Sources

TABLE A Wastes Excluded by USRPA under 40 CFR 260.20 and 260.22 from Specific Sources

TABLE B Wastes Excluded by U.S. EPA under 40 CFR 260.20 and 260.22 from Commercial Chemical Products, Off-Specification Species, Container Residues, and Soil Residues Thereof

TABLE C Wastes Excluded by the Board by Adjusted Standard

TABLE D Method of Analysis for Chlorinated Dibenzop-p-Dioxins and Dibenzofurans (Repealed)

APPENDIX J Table to Section 721.138

APPENDIX Y Table to Section 721.102

APPENDIX Z Table to Section 721.102

AUTHORITY: Implementing Sections 7.2 and 22.4 and authorized by Section 27 of the Environmental Protection Act (415 ILCS 5/7.2, 22.4 and 27).

SOURCE: Adopted in R81-22 at 5 Ill. Reg. 9781, effective May 17, 1992; amended and codified in R81-22 at 6 Ill. Reg. 4828, effective May 17, 1982; amended in R82-18 at 7 Ill. Reg. 2518, effective February 22, 1983; amended in R82-19 at 7 Ill. Reg. 1399, effective October 12, 1983; amended in R84-24 at 8 Ill. Reg. 2452, effective December 11, 1984; amended in R84-9 at 9 Ill. Reg. 11634, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 998, effective January 2, 1986; amended in R85-2 at 10 Ill. Reg. 8112, effective May 2, 1986; amended in R86-1 at 10 Ill. Reg. 14002, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20647, effective December 2, 1986; amended in R86-28 at 11 Ill. Reg. 6035, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13466, effective August 4, 1987; amended in R87-32 at 11 Ill. Reg. 16598, effective September 30, 1987; amended in R87-5 at 11 Ill. Reg. 19303, effective November 12, 1987; amended in R87-26 at 12 Ill. Reg. 2456, effective January 15, 1988; amended in R87-30 at 12 Ill. Reg. 12070, effective July 12, 1988; amended in R87-39 at 12 Ill. Reg. 13006, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 382, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18300, effective November 13, 1989; amended in R90-2 at 14 Ill. Reg. 14401, effective August 22, 1990; amended in R90-10 at 14 Ill. Reg. 16472, effective September 25, 1990; amended in R90-17 at 15 Ill. Reg. 7950, effective May 9, 1991; amended in R90-11 at 15 Ill. Reg. 9332, effective June 17, 1991;

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amended in R91-1 at 15 Ill. Reg. 14473, effective September 30, 1991; amended in R91-12 at 16 Ill. Reg. 2155, effective January 27, 1992; amended in R91-26 at 16 Ill. Reg. 2600, effective February 3, 1992; amended in R91-13 at 16 Ill. Reg. 9519, effective June 9, 1992; amended in R92-1 at 16 Ill. Reg. 17666, effective November 6, 1992; amended in R92-10 at 17 Ill. Reg. 5650, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20568, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6741, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12175, effective July 29, 1994; amended in R94-17 at 18 Ill. Reg. 17490, effective November 23, 1994; amended in R95-6 at 19 Ill. Reg. 9522, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 10963, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 275, effective September 16, 1997; amended in R98-12 at 22 Ill. Reg. 7615, effective September 26, 1998; amended in R98-21/R99-5 at 22 Ill. Reg. 47531, effective January 19, 1999; amended in R99-15 at 23 Ill. Reg. 9135, effective July 26, 1999; amended in R00-13 at 24 Ill. Reg. 9481, effective June 20, 2000; amended in R01-3 at 25 Ill. Reg. 1281, effective January 11, 2001; amended in R01-21/R01-23 at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

NOTE: In this Part, unless the context clearly indicates otherwise, superscript numbers or letters are denoted by parentheses; subscript are denoted by brackets; and words are used in place of the Greek symbols for alpha, beta, etc.

## SUPPART D: LISTS OF HAZARDOUS WASTE

## Section 721.132 Hazardous Waste from Specific Sources

The following solid wastes are listed hazardous wastes from specific sources unless they are excluded under 35 Ill. Adm. Code 720.120 and 720.122 and listed in Appendix I of this Part.

USEPA  
Hazardous  
Waste No. Industry and Hazardous Waste Hazard Code

## Wood Preservation:

K001 Bottom sediment sludge from the treatment of (T)  
wastewaters from wood preserving processes that use  
creosote or pentachlorophenol.

## Inorganic Pigments:

K002 Wastewater treatment sludge from the production of (T)  
chrome yellow and orange pigments.  
K003 Wastewater treatment sludge from the production of (T)  
molybdate orange pigments.

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K004 Wastewater treatment sludge from the production of (T)  
zinc yellow pigments.  
K005 Wastewater treatment sludge from the production of (T)  
chrome green pigments.  
K006 Wastewater treatment sludge from the production of (T)  
chrome oxide green pigments (anhydrous and hydrated).  
K007 Wastewater treatment sludge from the production of (T)  
iron blue pigments.  
K008 Oven residue from the production of chrome oxide green (T)  
pigments.

## Organic Chemicals:

K009 Distillation bottoms from the production of (T)  
acetaldehyde from ethylene.  
K010 Distillation side cuts from the production of (T)  
acetaldehyde from ethylene.  
K011 Bottom stream from the wastewater stripper in the (R,T)  
production of acrylonitrile.  
K013 Bottom stream from the acetonitrile column in the (T)  
production of acrylonitrile.  
K014 Bottoms from the acetonitrile purification column in (T)  
the production of acrylonitrile.  
K015 Still bottoms from the distillation of benzyl (T)  
chloride.  
K016 Heavy ends or distillation residues from the (T)  
production of carbon tetrachloride.  
K017 Heavy ends (still bottoms) from the purification (T)  
column in the production of epichlorohydrin.  
K018 Heavy ends from the fractionation column in ethyl (T)  
chloride production.  
K019 Heavy ends from the distillation of ethylene (T)  
dichloride in ethylene dichloride production.  
K020 Heavy ends from the distillation of vinyl chloride in (T)  
vinyl chloride monomer production.  
K021 Aqueous spent antimony catalyst waste from (T)  
fluoromethanes production.  
K022 Distillation bottom tars from the production of (T)  
pheno/acetone from cumene.  
K023 Distillation light ends from the production of (T)  
phthalic anhydride from naphthalene.  
K024 Distillation bottoms from the production of phthalic (T)  
anhydride from naphthalene.  
K093 Distillation light ends from the production of (T)  
phthalic anhydride from ortho-xylene.  
K094 Distillation bottoms from the production of phthalic (T)  
anhydride from ortho-xylene.

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- K025 Distillation bottoms from the production of nitrobenzene by the nitration of benzene. (T)
- K026 Stripping still tails from the production of methyl ethyl pyridines. (T)
- K027 Centrifuge and distillation residues from toluene diisocyanate production. (R,T)
- K028 Spent catalyst from the hydrochlorinator reactor in the production of 1,1,1-trichloroethane. (T)
- K029 Waste from the product stream stripper in the production of 1,1,1-trichloroethane. (T)
- K095 Distillation bottoms from the production of 1,1,1-trichloroethane. (T)
- K096 Heavy ends from the heavy ends column from the production of 1,1,1-trichloroethane. (T)
- K030 Column bottoms or heavy ends from the combined production of trichloroethylene and perchloroethylene. (T)
- K083 Distillation bottoms from aniline production. (T)
- K103 Process residues from aniline extraction from the production of aniline. (T)
- K104 Combined wastewater streams generated from nitrobenzene/aniline production. (T)
- K085 Distillation or fractionation column bottoms from the production of chlorobenzenes. (T)
- K105 Separated aqueous stream from the reactor product washing step in the production of chlorobenzenes. (T)
- K107 Column bottoms from product separation from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides. (C,T)
- K108 Condensed column overheads from product separation and condensed reactor vent gases from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides. (I,T)
- K109 Spent filter cartridges from the product purification from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides. (T)
- K110 Condensed column overheads from intermediate separation from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides. (T)
- K111 Product wastewaters from the production of dinitrotoluene via nitration of toluene. (C,T)
- K112 Reaction by-product water from the drying column in the production of toluenediamine via hydrogenation of dinitrotoluene. (T)
- K113 Condensed liquid light ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene. (T)

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- K114 Vicinals from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene. (T)
- K115 Heavy ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene. (T)
- K116 Organic condensate from the solvent recovery column in the production of toluene diisocyanate via phosgenation of toluenediamine. (T)
- K117 Wastewater from the reactor vent gas scrubber in the production of ethylene dibromide via bromination of ethene. (T)
- K118 Spent adsorbent solids from purification of ethylene dibromide in the production of ethylene dibromide via bromination of ethene. (T)
- K136 Still bottoms from the purification of ethylene dibromide in the production of ethylene dibromide via bromination of ethene. (T)
- K156 Organic waste (including heavy ends, still bottoms, light ends, spent solvents, filtrates, and decantates) from the production of carbamates and carbamoyl oximes. (This listing does not apply to wastes generated from the manufacture of 3-iodo-2-propynyl n-butylocarbamate.) (T)
- K157 Wastewaters (including scrubber waters, condenser waters, washwaters, and separation waters) from the production of carbamates and carbamoyl oximes. (This listing does not apply to wastes generated from the manufacture of 3-iodo-2-propynyl n-butylocarbamate.) (T)
- K158 Baghouse dusts and filter/separation solids from the production of carbamates and carbamoyl oximes. (This listing does not apply to wastes generated from the manufacture of 3-iodo-2-propynyl n-butylocarbamate.) (T)
- K159 Purification solids (including filtration, evaporation, and centrifugation solids), bag house dust and floor sweepings from the production of dithiocarbamate acids and their salts. (This listing does not include K125 or K126.) (T)
- K161
- K174 Wastewater treatment sludges from the production of ethylene dichloride or vinyl chloride monomer (including sludges that result from commingled ethylene dichloride or vinyl chloride monomer wastewater and other wastewater), unless the sludges meet the following conditions: (1) they are disposed of in a subtitle C or non-hazardous landfill licensed

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or permitted by the state or federal government; (2) they are not otherwise placed on the land prior to final disposal; and (3) the generator maintains documentation demonstrating that the waste was either disposed of in an on-site landfill or consigned to a transporter or disposal facility that provided a written commitment to dispose of the waste in an off-site landfill. Upon a showing by the government that a respondent in any enforcement action brought to enforce the requirements of Subtitle C of this Part managed wastewater treatment sludges from the production of vinyl chloride monomer or ethylene dichloride, the respondent must demonstrate that it meets the conditions of the exclusion that are set forth above. In doing so, the respondent must provide appropriate documentation that the terms of the exclusion were met (e.g., contracts between the generator and the landfill owner or operator, invoices documenting delivery of waste to landfill, etc.).

Wastewater treatment sludges from the production of vinyl chloride monomer using mercuric chloride catalyst in an acetylene-based process.

## Inorganic Chemicals:

Brine purification muds from the mercury cell process in chlorine production, where separately prepurified brine is not used.  
Chlorinated hydrocarbon waste from the purification step of the diaphragm cell process using graphite anodes in chlorine production.  
Wastewater treatment sludge from the mercury cell process in chlorine production.

## Pesticides:

By-product salts generated in the production of MSMA and cacodylic acid.  
Wastewater treatment sludge from the production of chlordane.  
Wastewater and scrub water from the chlorination of cyclopentadiene in the production of chlordane.  
Filter solids from the filtration of hexachlorocyclopentadiene in the production of chlordane.  
Vacuum stripper discharge from the chlordane chlorinator in the production of chlordane.

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Wastewater treatment sludges generated in the production of cresote.  
Still bottoms from toluene reclamation distillation in the production of disulfoton.  
Wastewater treatment sludges from the production of disulfoton.  
Wastewater from the washing and stripping of phorate production.  
Filter cake from the filtration of diethylphosphorodithioic acid in the production of phorate.  
Wastewater treatment sludge from the production of phorate.  
Wastewater treatment sludge from the production of toxaphene.  
Untreated process wastewater from the production of toxaphene.  
Heavy ends or distillation residues from the distillation of tetrachlorobenzene in the production of 2,4,5-T.

2,6-Dichlorophenol waste from the production of 2,4-D.  
Untreated wastewater from the production of 2,4-D.  
Process wastewater (including supernates, filtrates and washwaters) from the production of ethylenebis(dithiocarbamic acid and its salts).

Reactor vent scrubber water from the production of ethylenebis(dithiocarbamic acid and its salts).  
Filtration, evaporation and centrifugation solids from the production of ethylenebis(dithiocarbamic acid and its salts).  
Baghouse dust and floor sweepings in milling and packaging operations from the production or formulation of ethylenebis(dithiocarbamic acid and its salts).

Wastewater from the reactor and spent sulfuric acid from the acid dryer from the production of methyl bromide.  
Spent absorbent and wastewater separator solids from the production of methyl bromide.

## Explosives:

Wastewater treatment sludges from the manufacturing and processing of explosives.  
Spent carbon from the treatment of wastewater containing explosives.



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K046	Wastewater treatment sludges from the manufacturing, formulation and loading of lead-based initiating compounds.	(T)
K047	Pink/red water from TMY operations.	(R)
	Petroleum Refining:	
K048	Dissolved air flotation (DAF) float from the petroleum refining industry.	(T)
K049	Slop oil emulsion solids from the petroleum refining industry.	(T)
K050	Heat exchanger bundle cleaning sludge from the petroleum refining industry.	(T)
K051	API separator sludge from the petroleum refining industry.	(T)
K052	Tank bottoms (lead) from the petroleum refining industry.	(T)
K169	Crude oil storage tank sediment from petroleum refining operations.	(T)
K170	Clarified slurry oil tank sediment or in-line filter/separation solids from petroleum refining operations.	(T)
K171	Spent hydrotreating catalyst from petroleum refining operations, including guard beds used to desulfurize feeds to other catalytic reactors (this listing does not include inert support media).	(I,T)
K172	Spent hydrotreating catalyst from petroleum refining operations, including guard beds used to desulfurize feeds to other catalytic reactors (this listing does not include inert support media).	(I,T)
	Iron and Steel:	
K061	Emission control dust/sludge from the primary production of steel in electric furnaces.	(T)
K062	Spent pickle liquor generated by steel finishing operations of facilities within the iron and steel industry (SIC Codes 331 and 332) (as defined in 35 Ill. Adm. Code 720.110).	(C,T)
	Primary Aluminum:	
K088	Spent potliners from primary aluminum reduction.	(T)
	Secondary Lead:	
K069	Emission control dust/sludge from secondary lead smelting.	(T)

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K100	BOARD NOTE: This listing is administratively stayed for sludge generated from secondary acid scrubber systems. The stay will remain in effect until this note is removed. Waste leaching solution from acid leaching of emission control dust/sludge from secondary lead smelting.	(T)
	Veterinary Pharmaceuticals:	
K084	Wastewater treatment sludges generated during the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.	(T)
K101	Distillation tar residues from the distillation of aniline-based compounds in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.	(T)
K102	Residue from use of activated carbon for decolorization in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.	(T)
	Ink Formulation:	
K086	Solvent washes and sludges, caustic washes and sludges, or water washes and sludges from cleaning tubes and equipment used in the formulation of ink from pigments, driers, soaps and stabilizers containing chromium and lead.	(T)
	Coking:	
K060	Ammonia still lime sludge from coking operations.	(T)
K087	Decanter tank tar sludge from coking operations.	(T)
K141	Process residues from the recovery of coal tar, including, but not limited to, collecting sump residues from the production of coke from coal or the recovery of coke by-products produced from coal. This listing does not include K087 (Decanter tank tar sludges from coking operations).	(T)
K142	Tar storage tank residues from the production of coke from coal or from the recovery of coke by-products produced from coal.	(T)
K143	Process residues from the recovery of light oil, including, but not limited to, those generated in stills, decanters, and wash oil recovery units from the recovery of coke by-products produced from coal.	(T)

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- K144 Wastewater sump residues from light oil refining, including, but not limited to, intercepting or contamination sump sludges from the recovery of coke by-products produced from coal. (T)
- K145 Residues from naphthalene collection and recovery operations from the recovery of coke by-products produced from coal. (T)
- K147 Tar storage tank residues from coal tar refining. (T)
- K148 Residues from coal tar distillation, including but not limited to, still bottoms. (T)
- K149 Distillation bottoms from the production of alpha- (or methyl-) chlorinated toluenes, ring-chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups. (This waste does not include still bottoms from the distillation of benzyl chloride.) (T)
- K150 Organic residuals, excluding spent carbon adsorbent, from the spent chlorine gas and hydrochloric acid recovery processes associated with the production of alpha- (or methyl-) chlorinated toluenes, ring-chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups. (T)
- K151 Wastewater treatment sludges, excluding neutralization and biological sludges, generated during the treatment of wastewaters from the production of alpha- (or methyl-) chlorinated toluenes, ring-chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups. (T)
- (Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_, 11/500 J/g9.)

## Section 721.138 Comparable or Syngas Fuel Exclusion

Wastes that meet the following comparable or syngas fuel requirements are not solid wastes:

- Comparable fuel specifications.
  - Physical specifications.
    - Heating value. The heating value must exceed 5,000 Btu/lb (11,500 J/g).
    - Viscosity. The viscosity must not exceed 50 cs, as-fired.
  - Constituent specifications. For the compounds listed, the constituent specification levels and minimum required detection limits (where non-detect is the constituent specification) are set forth in the table at subsection (d) of this Section.
- Synthesis gas fuel specification. Synthesis gas fuel (i.e., syngas fuel) that is generated from hazardous waste must fulfill the following requirements:

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- It must have a minimum Btu value of 100 Btu/Scf;
  - It must contain less than 1 ppmv of total halogen;
  - It must contain less than 300 ppmv of total nitrogen other than diatomic nitrogen (N<sub>2</sub>);
  - It must contain less than 200 ppmv of hydrogen sulfide; and
  - It must contain less than 1 ppmv of each hazardous constituent in the target list of Appendix H constituents.
- c) Implementation. Waste that meets the comparable or syngas fuel specifications provided by subsection (a) or (b) of this Section (these constituent levels must be achieved by the comparable fuel when generated, or as a result of treatment or blending, as provided in subsection (c)(3) or (c)(4) of this Section) is excluded from the definition of solid waste provided that the following requirements are met:
- Notices. For purposes of this Section, the person claiming and qualifying for the exclusion is called the comparable or syngas fuel generator and the person burning the comparable or syngas fuel is called the comparable or syngas burner. The person that generates the comparable fuel or syngas fuel must claim and certify to the exclusion.
    - Notice to the Agency.
      - The generator must submit a one-time notice to the Agency, certifying compliance with the conditions of the exclusion and providing documentation as required by subsection (c)(1)(A)(iii) of this Section;
      - If the generator is a company that generates comparable or syngas fuel at more than one facility, the generator must ~~also~~ specify at which sites the comparable or syngas fuel will be generated;
      - A comparable or syngas fuel generator's notification to the Agency must contain the items listed in subsection (c)(1)(C) of this Section.
    - Public notice. Prior to burning an excluded comparable or syngas fuel, the burner must publish in a major newspaper of general circulation, local to the site where the fuel will be burned, a notice entitled "Notification of Burning a Comparable or Syngas Fuel Excluded Under the Resource Conservation and Recovery Act" containing the following information:
      - The name, address, and USEPA identification number of the generating facility;
      - The name and address of the units that will burn the comparable or syngas fuel;
      - A brief, general description of the manufacturing, treatment, or other process generating the comparable or syngas fuel;
      - An estimate of the average and maximum monthly and annual quantity of the waste claimed to be excluded;

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- and
- v) The name and mailing address of the Agency office to which the claim was submitted.
- C) Required content of comparable or syngas notification to the Agency.
- i) The name, address, and USPSA identification number of the person or facility claiming the exclusion;
  - ii) The applicable USPSA hazardous waste codes for the hazardous waste;
  - iii) The name and address of the units that meet the requirements of subsection (c)(2) of this Section that will burn the comparable or syngas fuel; and
  - iv) The following statement, signed and submitted by the person claiming the exclusion or its authorized representative:

Under penalty of criminal and civil prosecution for making or submitting false statements, representations, or omissions, I certify that the requirements of 35 Ill. Adm. Code 721.138 have been met for all waste identified in this notification. Copies of the records and information required by 35 Ill. Adm. Code 721.138(c)(10) are available at the comparable or syngas fuel generator's facility. Based on my inquiry of the individuals immediately responsible for obtaining the information, the information is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

BOARD NOTE: Subsections (c)(1)(C)(i) through (c)(1)(C)(iv) are derived from 40 CFR 261.138(c)(1)(i)(C)(1) and (c)(1)(i)(C)(4), which the Board has codified here to comport with Illinois Administrative Code format requirements.

- 2) Burning. The comparable or syngas fuel exclusion for fuels that meet the requirements of subsections (a) or (b) and (c)(1) of this Section applies only if the fuel is burned in the following units that also must ~~shall~~ be subject to Federal, State, and local air emission requirements, including all applicable federal Clean Air Act (CAA) maximum achievable control technology (MACT) requirements:
- A) Industrial furnaces, as defined in 35 Ill. Adm. Code 720.110;
  - B) Boilers, as defined in 35 Ill. Adm. Code 720.110, that are further defined as follows:
    - i) Industrial boilers located on the site of a facility

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- engaged in a manufacturing process where substances are transformed into new products, including the component parts of products, by mechanical or chemical processes; or
- ii) Utility boilers used to produce electric power, steam, heated or cooled air, or other gases or fluids for sale;
  - C) Hazardous waste incinerators subject to regulation under 35 Ill. Adm. Code 724.Subpart 0 or 35 Ill. Adm. Code 725.Subpart 0 or applicable CAA MACT standards.
  - D) Gas turbines used to produce electric power, steam, heated or cooled air, or other gases or fluids for sale.
- 3) Blending to meet the viscosity specification. A hazardous waste blended to meet the viscosity specification must fulfill the following requirements:
- A) As generated and prior to any blending, manipulation, or processing, the waste must meet the constituent and heating value specifications of subsections (a)(1)(A) and (a)(2) of this Section;
  - B) The waste must be blended at a facility that is subject to the applicable requirements of 35 Ill. Adm. Code 724 and 725 or 35 Ill. Adm. Code 722.134; and
  - C) The waste must not violate the dilution prohibition of subsection (c)(6) of this Section.
- 4) Treatment to meet the comparable fuel exclusion specifications.
- A) A hazardous waste may be treated to meet the exclusion specifications of subsections (a)(1) and (a)(2) of this Section provided the treatment fulfills the following requirements:
    - i) The treatment destroys or removes the constituent listed in the specification or raises the heating value by removing or destroying hazardous constituents or materials;
    - ii) The treatment is performed at a facility that is subject to the applicable requirements of 35 Ill. Adm. Code 724 and 725 or 35 Ill. Adm. Code 722.134; and
    - iii) The treatment does not violate the dilution prohibition of subsection (c)(6) of this Section.
  - B) Residuals resulting from the treatment of a hazardous waste listed in Subpart D of this Part to generate a comparable fuel remain a hazardous waste.
- 5) Generation of a syngas fuel.
- A) A syngas fuel can be generated from the processing of hazardous wastes to meet the exclusion specifications of subsection (b) of this Section provided the processing fulfills the following requirements:
    - i) The processing destroys or removes the constituent listed in the specification or raises the heating

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- value by removing or destroying constituents or materials;
- ii) The processing is performed at a facility that is subject to the applicable requirements of 35 Ill. Adm. Code 724 and 725 or 35 Ill. Adm. Code 722.134 or is an exempt recycling unit pursuant to Section 721.106(c); and
  - iii) The processing does not violate the dilution prohibition of subsection (c)(6) of this Section.
- B) Residuals resulting from the treatment of a hazardous waste listed in Subpart D of this Part to generate a syngas fuel remain a hazardous waste.
- 6) Dilution prohibition for comparable and syngas fuels. No generator, transporter, handler, or owner or operator of a treatment, storage, or disposal facility must ~~shall~~ in any way dilute a hazardous waste to meet the exclusion specifications of subsection (a)(1)(A), (a)(2) or (b) of this Section.
- 7) Waste analysis plans. The generator of a comparable or syngas fuel must ~~shall~~ develop and follow a written waste analysis plan that describes the procedures for sampling and analysis of the hazardous waste to be excluded. The waste analysis plan must ~~shall~~ be developed in accordance with the applicable sections of the "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods" (SW-846). The plan must ~~shall~~ be followed and retained at the facility excluding the waste.
- A) At a minimum, the plan must specify the following:
- i) The parameters for which each hazardous waste will be analyzed and the rationale for the selection of those parameters;
  - ii) The test methods that will be used to test for these parameters;
  - iii) The sampling method that will be used to obtain a representative sample of the waste to be analyzed;
  - iv) The frequency with which the initial analysis of the waste will be reviewed or repeated to ensure that the analysis is accurate and up to date; and
  - v) If process knowledge is used in the waste determination, any information prepared by the generator in making such determination.
- B) The waste analysis plan must also contain records of the following:
- i) The dates and times waste samples were obtained, and
  - ii) The names and qualifications of the persons who obtained the samples;
  - iii) A description of the temporal and spatial locations of the samples;
  - iv) The name and address of the laboratory facility at

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- which analyses of the samples were performed;
- v) A description of the analytical methods used, including any clean-up and sample preparation methods;
  - vi) All quantitation limits achieved and all other quality control results for the analysis (including method blanks, duplicate analyses, matrix spikes, etc.); laboratory quality assurance data, and description of any deviations from analytical methods written in the plan or from any other activity written in the plan that ~~which~~ occurred;
  - vii) All laboratory results demonstrating that the exclusion specifications have been met for the waste; and
  - viii) All laboratory documentation that supports the analytical results, unless a contract between the claimant and the laboratory provides for the documentation to be maintained by the laboratory for the period specified in subsection (c)(11) of this Section and also provides for the availability of the documentation to the claimant upon request.
- C) Syngas fuel generators must ~~shall~~ submit for approval, prior to performing sampling, analysis, or any management of a syngas fuel as an excluded waste, a waste analysis plan containing the elements of subsection (c)(7)(A) of this Section to the Agency. The approval of waste analysis plans must be stated in writing and received by the facility prior to sampling and analysis to demonstrate the exclusion of a syngas. The approval of the waste analysis plan may contain such provisions and conditions as the regulatory authority deems appropriate.
- 8) Comparable fuel sampling and analysis.
- A) General. For each waste for which an exclusion is claimed, the generator of the hazardous waste must test for all the constituents on Appendix H of this Part, except those that the generator determines, based on testing or knowledge, should not be present in the waste. The generator is required to document the basis of each determination that a constituent should not be present. The generator may not determine that any of the following categories of constituents should not be present:
- i) A constituent that triggered the toxicity characteristic for the waste constituents that were the basis of the listing of the waste stream, or constituents for which there is a treatment standard for the waste code in 35 Ill. Adm. Code 728.140;
  - ii) A constituent detected in previous analysis of the waste;
  - iii) Constituents introduced into the process that



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- generates the waste; or
- iv) Constituents that are byproducts or side reactions to the process that generates the waste.
- B) For each waste for which the exclusion is claimed where the generator of the comparable or syngas fuel is not the original generator of the hazardous waste, the generator of the comparable or syngas fuel may not use process knowledge pursuant to subsection (c)(8)(A) of this Section and must test to determine that all of the constituent specifications of subsections (a)(2) and (b) of this Section have been met.
- C) The comparable or syngas fuel generator may use any reliable analytical method to demonstrate that no constituent of concern is present at concentrations above the specification levels. It is the responsibility of the generator to ensure that the sampling and analysis are unbiased, precise, and representative of the waste. For the waste to be eligible for exclusion, a generator must demonstrate the following:
- i) That each constituent of concern is not present in the waste above the specification level at the 95 percent upper confidence limit around the mean; and
  - ii) That the analysis could have detected the presence of the constituent at or below the specification level at the 95 percent upper confidence limit around the mean.
- D) Nothing in this subsection (c)(8) preempts, overrides or otherwise negates the provision in 35 Ill. Adm. Code 722.111 that requires any person which generates a solid waste to determine if that waste is a hazardous waste.
- E) In an enforcement action, the burden of proof to establish conformance with the exclusion specification must ~~shall~~ be on the generator claiming the exclusion.
- F) The generator must conduct sampling and analysis in accordance with its waste analysis plan developed under subsection (c)(7) of this Section.
- G) Syngas fuel and comparable fuel that has not been blended in order to meet the kinematic viscosity specifications must be analyzed as generated.
- H) If a comparable fuel is blended in order to meet the kinematic viscosity specifications, the generator must ~~shall~~ undertake the following actions:
- i) Analyze the fuel as generated to ensure that it meets the constituent and heating value specifications; and
  - ii) After blending, analyze the fuel again to ensure that the blended fuel continues to meet all comparable or syngas fuel specifications.
- I) Excluded comparable or syngas fuel must be retested, at a minimum, annually and must be retested after a process change that could change the chemical or physical properties of the waste.

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- Note to subsection (c)(8): Any claim under this Section must be valid and accurate for all hazardous constituents; a determination not to test for hazardous constituent will not shield a generator from liability should that constituent later be found in the waste above the exclusion specifications.
- 9) Speculative accumulation. Any persons handling a comparable or syngas fuel are subject to the speculative accumulation test under Section 721.102(c)(4).
- 10) Records. The generator must maintain records of the following information on-site:
- A) All information required to be submitted to the implementing authority as part of the notification of the claim:
    - i) The owner or operator name, address, and RCRA facility USEPA identification number of the person claiming the exclusion;
    - ii) The applicable USEPA hazardous waste codes for each hazardous waste excluded as a fuel; and
    - iii) The certification signed by the person claiming the exclusion or his authorized representative;
  - B) A brief description of the process that generated the hazardous waste and process that generated the excluded fuel, if not the same;
  - C) An estimate of the average and maximum monthly and annual quantities of each waste claimed to be excluded;
  - D) Documentation for any claim that a constituent is not present in the hazardous waste as required under subsection (c)(8)(A) of this Section;
  - E) The results of all analyses and all detection limits achieved as required under subsection (c)(8) of this Section;
  - F) If the excluded waste was generated through treatment or blending, documentation as required under subsection (c)(3) or (c)(4) of this Section;
  - G) If the waste is to be shipped off-site, a certification from the burner as required under subsection (c)(12) of this Section;
  - H) A waste analysis plan and the results of the sampling and analysis that include the following:
    - i) The dates and times waste samples were obtained, and the samples were analyzed;
    - ii) The names and qualifications of the persons that obtained the samples;
    - iii) A description of the temporal and spatial locations of the samples;
    - iv) The name and address of the laboratory facility at which analyses of the samples were performed;
    - v) A description of the analytical methods used, including any clean-up and sample preparation methods;

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- vi) All quantitation limits achieved and all other quality control results for the analysis (including method blanks, duplicate analyses, matrix spikes, etc.), laboratory quality assurance data, and description of any deviations from analytical methods written in the plan or from any other activity written in the plan that occurred;
- vii) All laboratory analytical results demonstrating that the exclusion specifications have been met for the waste; and
- viii) All laboratory documentation that supports the analytical results, unless a contract between the claimant and the laboratory provides for the documentation to be maintained by the laboratory for the period specified in subsection (c)(11) of this Section and also provides for the availability of the documentation to the claimant upon request; and
- 1) If the generator ships comparable or syngas fuel off-site for burning, the generator must ~~shall~~ retain for each shipment the following information on-site:
- The name and address of the facility receiving the comparable or syngas fuel for burning;
  - The quantity of comparable or syngas fuel shipped and received;
  - The date of shipment or delivery;
  - A cross-reference to the record of comparable or syngas fuel analysis or other information used to make the determination that the comparable or syngas fuel meets the specifications as required under subsection (c)(8) of this Section; and
  - A one-time certification by the burner as required under subsection (c)(12) of this Section.
- 11) Records retention. Records must be maintained for the period of three years. A generator must ~~shall~~ maintain a current waste analysis plan during that three year period.
- 12) Burner certification. Prior to submitting a notification to the Agency, a comparable or syngas fuel generator that intends to ship its fuel off-site for burning must obtain a one-time written, signed statement from the burner that includes the following:
- A certification that the comparable or syngas fuel will only be burned in an industrial furnace or boiler, utility boiler, or hazardous waste incinerator, as required under subsection (c)(2) of this Section;
  - Identification of the name and address of the units that will burn the comparable or syngas fuel; and
  - A certification that the state in which the burner is located is authorized to exclude wastes as comparable or

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- 13) Ineligible waste codes. Wastes that are listed because of presence of dioxins or furans, as set out in Appendix G of this Part, are not eligible for this exclusion, and any fuel produced from or otherwise containing these wastes remains a hazardous waste subject to full RCRA hazardous waste management requirements.
- d) Table Y of this Part sets forth the table of detection and detection limit values for comparable fuel specification.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



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USEPA hazardous waste No.	Hazardous constituents for which listed
K011	Acrylonitrile, acetonitrile, hydrocyanic acid.
K013	Hydrocyanic acid, acrylonitrile, acetonitrile.
K014	Acetonitrile, acrylamide.
K015	Benzyl chloride, chlorobenzene, toluene, benzotrifluoride.
K016	Hexachlorobenzene, hexachlorobutadiene, carbon tetrachloride, hexachloroethane, perchloroethylene.
K017	Epichlorohydrin, chloroethers (bis(chloromethyl) ether and bis-(2-chloroethyl) ethers), trichloropropane, dichloropropanols.
K018	1,2-dichloroethane, trichloroethylene, hexachlorobutadiene, hexachlorobenzene.
K019	Ethylene dichloride, 1,1,1-trichloroethane, 1,1,2-trichloroethane, tetrachloroethanes (1,1,2,2-tetrachloroethane and 1,1,1,2-tetrachloroethane), trichloroethylene, tetrachloroethylene, carbon tetrachloride, chloroform, vinyl chloride, vinylidene chloride.
K020	Ethylene dichloride, 1,1,1-trichloroethane, 1,1,2-trichloroethane, tetrachloroethanes (1,1,2,2-tetrachloroethane and 1,1,1,2-tetrachloroethane), trichloroethylene, tetrachloroethylene, carbon tetrachloride, chloroform, vinyl chloride, vinylidene chloride.
K021	Antimony, carbon tetrachloride, chloroform.
K022	Phenol, tars (polycyclic aromatic hydrocarbons).
K023	Phthalic anhydride, maleic anhydride.
K024	Phthalic anhydride, 1,4-naphthoquinone.
K025	Meta-dinitrobenzene, 2,4-dinitrotoluene.
K026	Paraldehyde, pyridine, 2-picoline.
K027	1,1,1-trichloroethane, vinyl chloride.
K028	1,1,1-trichloroethane, vinyl chloride.
K029	1,2-dichloroethane, 1,1,1-trichloroethane, vinyl chloride, vinylidene chloride, chloroform.
K030	Hexachlorobenzene, hexachlorobutadiene, hexachloroethane, 1,1,1,2-tetrachloroethane, ethylene dichloride.
K031	Arsenic.
K032	Hexachlorocyclopentadiene.
K033	Hexachlorocyclopentadiene.
K034	Hexachlorocyclopentadiene.
K035	Cresote, chrysene, naphthalene, fluorene, benzo(a)anthracene, benzo(a)pyrene, indeno(1,2,3-cd)pyrene, benzo(a)anthracene, dibenzo(a)anthracene, acenaphthalene.
K036	Toluene, phosphorothioic acid and phosphorothioic acid esters.
K037	Toluene, phosphorothioic acid and phosphorothioic acid esters.
K038	Phorate, formaldehyde, phosphorothioic acid and phosphorothioic acid esters.
K039	Phosphorothioic acid and phosphorothioic acid esters.
K040	Phorate, formaldehyde, phosphorothioic acid and phosphorothioic acid esters.
K041	Toxaphene.

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USEPA hazardous waste No.	Hazardous constituents for which listed
K042	Hexachlorobenzene, ortho-dichlorobenzene.
K043	2,4-dichlorophenol, 2,6-dichlorophenol, 2,4,6-trichlorophenol.
K044	N.A.
K045	N.A.
K046	Lead.
K047	N.A.
K048	Hexavalent chromium, lead.
K049	Hexavalent chromium, lead.
K050	Hexavalent chromium.
K051	Hexavalent chromium, lead.
K052	Lead.
K060	Cyanide, naphthalene, phenolic compounds, arsenic.
K061	Hexavalent chromium, lead, cadmium.
K062	Hexavalent chromium, lead.
K064	Lead, cadmium.
K065	Lead, cadmium.
K066	Lead, cadmium.
K069	Hexavalent chromium, lead, cadmium.
K071	Mercury.
K073	Chloroform, carbon tetrachloride, hexachloroethane, trichloroethane, trichloroethylene, dichloroethylene, 1,1,2,2-tetrachloroethane.
K083	Aniline, diphenylamine, nitrobenzene, phenylenediamine.
K084	Arsenic.
K085	Benzene, dichlorobenzenes, trichlorobenzenes, tetrachlorobenzenes, pentachlorobenzene, hexachlorobenzene, benzyl chloride.
K086	Lead, hexavalent chromium.
K087	Phenol, naphthalene.
K088	Cyanide (complexes).
K090	Chromium.
K091	Chromium.
K093	Phthalic anhydride, maleic anhydride.
K094	Phthalic anhydride.
K095	1,1,2-trichloroethane, 1,1,1,2-tetrachloroethane, 1,1,2,2-tetrachloroethane.
K096	1,1,2-dichloroethane, 1,1,1-trichloroethane, 1,1,2-trichloroethane.
K097	Chloroform, heptachlor.
K098	Toxaphene.
K099	2,4-dichlorophenol, 2,4,6-trichlorophenol.
K100	Hexavalent chromium, lead, cadmium.
K101	Arsenic.
K102	Arsenic.
K103	Aniline, nitrobenzene, phenylenediamine.



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USEPA hazardous waste No.	Hazardous constituents for which listed
K104	Aniline, benzene, diphenylamine, nitrobenzene, phenylenediamine.
K105	Benzene, monochlorobenzene, dichlorobenzenes, 2,4,6-trichlorophenol.
K106	Mercury.
K111	2,4-Dinitrotoluene.
K112	2,4-Toluenediamine, o-toluidine, p-toluidine, aniline.
K113	2,4-Toluenediamine, o-toluidine, p-toluidine, aniline.
K114	2,4-Toluenediamine, o-toluidine, p-toluidine.
K115	2,4-Toluenediamine.
K116	Carbon tetrachloride, tetrachloroethylene, chloroform, phosgene.
K117	Ethylene dibromide.
K118	Ethylene dibromide.
K123	Ethylene thiourea.
K124	Ethylene thiourea.
K125	Ethylene thiourea.
K126	Ethylene thiourea.
K131	Methyl sulfate, methyl bromide.
K132	Methyl bromide.
K136	Ethylene dibromide.
K141	Benzene, benz(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(k)fluoranthene, dibenz(a,h)anthracene, indeno(1,2,3-cd)pyrene.
K142	Benzene, benz(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(k)fluoranthene, dibenz(a,h)anthracene, indeno(1,2,3-cd)pyrene.
K143	Benzene, benz(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(k)fluoranthene, dibenz(a,h)anthracene, indeno(1,2,3-cd)pyrene.
K144	Benzene, benz(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(k)fluoranthene, dibenz(a,h)anthracene.
K145	Benzene, benz(a)anthracene, benzo(a)pyrene, dibenz(a,h)anthracene, naphthalene.
K147	Benzene, benz(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(k)fluoranthene, dibenz(a,h)anthracene, indeno(1,2,3-cd)pyrene.
K148	Benz(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(k)fluoranthene, dibenz(a,h)anthracene, indeno(1,2,3-cd)pyrene.
K149	Benzotrichloride, benzyl chloride, chloroform, chloromethane, chlorobenzene, 1,4-dichlorobenzene, hexachlorobenzene, pentachlorobenzene, 1,2,4,5-tetrachlorobenzene, 1,2,4,5-tetrachlorobenzene, toluene.
K150	Carbon tetrachloride, chloroform, chloromethane, 1,4-dichlorobenzene, hexachlorobenzene, pentachlorobenzene, 1,2,4,5-tetrachlorobenzene, 1,1,2,2-tetrachloroethane, tetrachloroethylene, 1,2,4-trichlorobenzene.

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USEPA hazardous waste No.	Hazardous constituents for which listed
K151	Benzene, carbon tetrachloride, chloroform, hexachlorobenzene, pentachlorobenzene, toluene, 1,2,4,5-tetrachlorobenzene, tetrachloroethylene.
K156	Benomyl, carbaryl, carbendazim, carbofuran, carbosulfan, formaldehyde, methylene chloride, triethylamine.
K157	Carbon tetrachloride, formaldehyde, methyl chloride, methylene chloride, pyridine, triethylamine.
K158	Benomyl, carbendazim, carbofuran, carbosulfan, chloroform, methylene chloride.
K159	Benzene, butylate, EPTC, molinate, pebulate, vernolate.
K161	Antimony, arsenic, metam-sodium, ziram.
K169	Benzene.
K170	Benzo(a)pyrene, dibenz(a,h)anthracene, benzo(a)anthracene, benzo(b)fluoranthene, benzo(k)fluoranthene, 3-methylanthracene, 7,12-dimethylbenz(a)anthracene.
K171	Benzene, arsenic.
K172	Benzene, arsenic.
K174	1,2,3,4,6,7,8-Heptachlorodibenzo-p-dioxin (1,2,3,4,6,7,8-HpCDD), 1,2,3,4,6,7,8-Heptachlorodibenzofuran (1,2,3,4,6,7,8-HpCDF), 1,2,3,4,7,8,9-Heptachlorodibenzo-p-dioxins (HCBDS), all hexachlorodibenzofurans (HCBFS), all pentachlorodibenzo-p-dioxins (PCDDs), 1,2,3,4,6,7,9-octachlorodibenzo-p-dioxin (OCDD), 1,2,3,4,6,7,9-octachlorodibenzofuran (OCDF), all pentachlorodibenzofurans (PCBFS), all tetrachlorodibenzo-p-dioxins (TCDDs), all tetrachlorodibenzofurans (TCBFS).
K175	Mercury

N.A.—Waste is hazardous because it fails the test for the characteristic of ignitability, corrosivity, or reactivity.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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## Section 721. APPENDIX B Hazardous Constituents

Common Name	Chemical Abstracts Name	Chemical Abstracts Number (CAS No.)	USEPA Hazardous Waste Number
A2213	Ethanemethiodic acid, 2-(dimethylamino)-N-hydroxy-2-oxo-, methyl ester	30558-43-1	U394
Acetonitrile	Same	75-05-8	U003
Acetophenone	Acetophenone, 1-phenyl-	98-86-2	U004
2-Acetylaminofluorene	Acetamide, N-9H-fluorene-2-yl-	53-96-3	U005
Acetyl chloride	Same	75-36-5	U006
1-Acetyl-2-thiourea	Acetamide, N-(aminothioxomethyl)-	591-08-2	P002
Acrolein	2-Propenal	107-02-8	P003
Acrylamide	2-Propenamide	79-06-1	U007
Acrylonitrile	2-Propenenitrile	107-13-1	U009
Aflatoxins	Same	1402-68-2	
Aldicarb	Propanal, 2-methyl-2-(methylthio)-, O-[(methylamino)carbonyl] oxime	116-06-3	P070
Aldicarb sulfone	Propanal, 2-methyl-2-(methylsulfonyl)-, O-[(methylamino)carbonyl] oxime	1646-98-4	P203
Aldrin	1,4,5,8-Dimethanonaphthalene, 309-00-2		P004
	[1,2,3,4,10,10-hexachloro-1,4,8a,5,8,8a-hexahydro-, 4- $\alpha$ , 4- $\alpha$ , 8- $\alpha$ , 8- $\alpha$ ]-		
	8a- $\beta$ ]-		
Allyl alcohol	2-Propen-1-ol	107-18-6	P005
Allyl chloride	1-Propene, 3-chloro-	107-18-5	
Aluminum phosphide	Same	20859-73-8	P006
4-Aminobiphenyl	[1,1'-Biphenyl]-4-amine	92-67-1	P007
5-(Aminomethyl)-3-isoxazolol	3(2H)-isoxazolone, 5-(aminomethyl)-	2763-96-4	
4-Aminopyridine	4-Pyridinamine	504-24-5	P008
Amtrrole	1H-1,2,4-Triazol-3-amine	61-82-5	U011
Ammonium vanadate	Vanadic acid, ammonium salt	7803-55-6	U019
Aniline	Benzenamine	62-53-3	U012
Antimony	Same	7440-36-0	
Antimony compounds, N.O.S. (not otherwise specified)			

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Chemical Abstracts Number (CAS No.)	Chemical Abstracts Name	Common Name	USEPA Hazardous Waste Number
140-57-8	Sulfurous acid, 2-(4-(1,1-dimethylethyl)phenoxy)-1-methylethyl ester	Aramite	
7440-38-2	Arsenic	Arsenic	
7778-39-4	Arsenic acid H(3)AsO(4)	Arsenic compounds, N.O.S.	P010
1303-28-2	Arsenic oxide As(2)O(5)	Arsenic acid	P011
1327-53-3	Arsenic oxide As(2)O(3)	Arsenic pentoxide	P012
492-80-8	Benzenamine, 4,4'-carbonyldiylbis(N, N-dimethyl-)	Auramine	U014
115-02-6	L-Serine, diazoacetate (ester)	Azaserine	U015
101-27-9	Carbamic acid, (3-chlorophenyl)-, 4-chloro-2-butynyl ester	Barban	U280
7440-39-3	Same	Barium	
542-62-1	Same	Barium compounds, N.O.S.	P013
22781-23-3	1,3-Benzodioxol-4-ol-2,2-dimethyl-, methyl carbamate	Barium cyanide	U278
22961-82-6	1,3-Benzodioxol-4-ol-2,2-dimethyl-, carbamic acid, [1-[(butylamino)carbonyl]-1H-benzimidazol-2-yl]-, methyl ester	Bendiocarb phenol	U364
17804-35-2	Carbamic acid, [1-[(butylamino)carbonyl]-1H-benzimidazol-2-yl]-, methyl ester	Benomyl	U271
225-51-4	Same	Benz[cl]acridine	
56-55-3	Same	Benz[al]anthracene	U016
98-87-3	Benzenzene, (dichloromethyl)-	Benzal chloride	U018
71-43-2	Same	Benzenzene	
98-05-5	Arsenic acid, phenyl-[1,1'-biphenyl]-4,4'-diamine	Benzeneearsonic acid	U021
205-99-2	Benzen[e]acephenanthrylene	Benzol(b)fluoranthene	
205-82-3	Same	Benzol(j)fluoranthene	
207-08-9	Same	Benzol(k)fluoranthene	
50-32-8	Same	Benzol(a)pyrene	U022
106-51-4	2,5-Cyclohexadiene-1,4-dione	p-Benzoquinone	U197
98-07-7	Benzenzene	Benzotrichloride	U023

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Common Name	Chemical Abstracts Name	Chemical Abstracts Number (CAS No.)	USEPA Hazardous Waste Number
Benzyl chloride	(trichloromethyl)-Benzene, (chloromethyl)-	100-44-7	P028
Beryllium powder	Same	7440-41-7	P015
Beryllium compounds, N.O.S.			
Bis(pentamethylene)thiuram tetrasulfide	Piperidine, 1,1'-(tetra thiodicarbonylthio)-bis-	120-54-7	
Bromacetone	2-Propanone, 1-bromo-	598-31-2	P017
Bromofuran	Methane, tribromo-	75-25-2	U225
4-Bromophenyl phenyl ether	Benzene, 101-55-3		U030
Brucine	1-bromo-4-phenoxy-2,3-dimethoxy-	357-57-3	P018
Butylate	Strychnidin-10-one, 2008-41-5		
Butyl benzyl phthalate	Carbamethioic acid, bis (2-methylpropyl)-, S-ethyl ester	85-68-7	
Cacodylic acid	1,2-Benzenedicarboxylic acid, butyl phenylmethyl ester	75-60-5	U136
Cadmium	Arsenic acid, dimethyl-	7440-43-9	
Cadmium compounds, N.O.S.	Same		
Calcium chromate	Chromic acid H <sub>2</sub> C <sub>2</sub> O <sub>4</sub> (4), calcium salt	13765-19-0	U032
Calcium cyanide	Calcium cyanide Ca(CN) <sub>2</sub>	592-01-8	P021
Carbaryl	1-Naphthalenol, methyl-carbamate	63-25-2	U279
Carbendazim	Carbamic acid, 1H-benzimidazol-2-yl, methyl ester	10605-21-7	U372
Carbofuran	7-Benzofuranol, 2,3-dihydro-2,2-dimethyl-, methylcarbamate	1563-66-2	P127
Carbofuran phenol	7-Benzofuranol, 2,3-dihydro-2,2-dimethyl-, methylcarbamate	1563-38-8	U367
Carbosulfan	Carbamic acid, [(dibutylamino)thio] methyl-, 2,3-dihydro-2,2-dimethyl-7-benzofuranyl ester	55285-14-8	P189
Carbon disulfide	Same	75-15-0	P022
Carbon oxyfluoride	Carbonic difluoride	353-50-4	U033
Carbon tetrachloride	Methane, tetrachloro-	56-23-5	U211
Chloral	Acetaldehyde, trichloro-	75-87-6	U034

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Common Name	Chemical Abstracts Name	Chemical Abstracts Number (CAS No.)	USEPA Hazardous Waste Number
Chlorambucil	Benzenebutanoic acid, 4-(bis-(2-chloroethyl)amino)-	305-03-3	U035
Chlordane	4,7-Methano-1H-indene, 1,2,4,5,6,7,8,8-octachloro-2,3,3a,4,7,7a-hexahydro-	57-74-9	U036
Chlordane, alpha and gamma isomers			
Chlorinated Benzenes, N.O.S.			
Chlorinated ethane, N.O.S.			
Chlorinated fluorocarbons, N.O.S.			
Chlorinated naphthalene, N.O.S.			
Chlorinated phenol, N.O.S.			
Chloronaphazine	Naphthalenamine, N,N'-bis (2-chloroethyl)-	494-03-1	U025
Chloroacetaldehyde	Acetaldehyde, chloro-	107-20-0	P023
Chloroalkyl ethers, N.O.S.			
p-Chloroaniline	Benzenamine, 4-chloro-	106-47-8	P024
Chlorobenzene	Benzene, chloro-	108-90-7	U037
Chlorobenzilate	Benzeneacetic acid, 4-chloro-alpha-(4-chlorophenyl)-alpha-hydroxy-, ethyl ester	510-15-6	U038
p-Chloro-m-cresol	Phenol, 4-chloro-3-methyl-	59-50-7	U039
2-Chloroethyl vinyl ether	Ethene, (2-chloroethoxy)-	110-75-8	U042
Chloroform	Methane, trichloro-	67-66-3	U044
Chloromethyl methylether	Methane, chloromethoxy-	107-30-2	U046
beta-Chloronaphthalene	Naphthalene, 2-chloro-	91-58-7	U047
o-Chlorophenol	Phenol, 2-chloro-	95-57-8	U048
1-(O-Chlorophenyl) thiourea	Thiourea, (2-chlorophenyl)-	5344-82-1	P026
Chloroprene	1,3-Butadiene, 2-chloro-	126-99-8	
3-Chloropropionitrile	Propanenitrile, 3-chloro-	542-76-7	P027

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Common Name	Chemical Abstracts Name	Chemical Abstracts Number (CAS No.)	USEPA Hazardous Waste Number
Chromium compounds, N.O.S.	Same	7440-47-3	
Chrysene	Same	218-01-9	U050
Citrus red No. 2	2-Naphthalenol, 1-[(2,5-dimethoxyphenyl)azo]-	6358-53-8	
Coal tar creosote	Same	8007-45-2	
Copper cyanide	Copper cyanide CuCN	544-92-3	P029
Copper dimethyldithiocarbamate	Copper, bis(dimethylcarbamodithioato-S,S')-,	137-29-1	
Creosote	Same		
Cresols (Cresylic acid)	Phenol, methyl-	1319-77-3	U051
Crotonaldehyde	2-Butenal	4170-30-3	U052
m-Cumenyl methylcarbamate	Phenol, 3-(methylene)-, methyl carbamate	64-00-6	P202
Cyanides (soluble salts and complexes), N.O.S.			P030
Cyanogen	Ethanedinitrile	460-19-5	P031
Cyanogen bromide	Cyanogen bromide (CN)Br	506-68-3	U246
Cyanogen chloride	Cyanogen chloride (CN)Cl	506-77-4	P033
Cycasin	Beta-D-glucopyranoside, (methyl-ONN-azoxymethyl)-	14901-08-7	
Cycloate	5,12-Naphthacenedione, hexylethyl-, 8-ethyl ester	1134-23-2	
2-Cyclohexyl-4,6-dinitrophenol	Phenol, 2-cyclohexyl-4,6-dinitro-	131-89-5	P034
Cyclophosphamide	2H-1,3,2-Oxaphosphorin-2-amine, N,N-bis(2-chloroethyl) tetrahydro-, 2-oxide	50-18-0	U058
2,4-D	Acetic acid, (2,4-dichlorophenoxy)-	94-75-7	U240
2,4-D, salts and esters	Acetic acid, (2,4-dichlorophenoxy)-, salts and esters		U240
Daunomycin	8-acetyl-10-[(3-amino-2,3,6-trideoxy-alpha-L-lyxo-hexopyranosyl)oxy]-7,8,9,10-tetrahydro-6,5	20830-81-3	U059

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Common Name	Chemical Abstracts Name	Chemical Abstracts Number (CAS No.)	USEPA Hazardous Waste Number
Dazomet	8,11-trihydroxy-1-methoxy-, 8S-cis)-2H-1,3,5-thiadiazine-2-thione, tetrahydro-3,5-dimethyl	513-74-4	
DDD	Benzene, 1,1'-(2,2-dichloroethylenedibis(4-chloro-	72-54-8	U060
DDE	Benzene, 1,1'-(dichloroethylenedibis(4-chloro-	72-55-9	
DDT	Benzene, 1,1'-(2,2,4-trichloroethylenedibis(4-chloro-	50-29-3	U061
Diallate	Carbamothioic acid, bis(1-methylethyl)-, S-(2,3-dichloro-2-propenyl) ester	2303-16-4	U062
Dibenz[a,h]acridine	Same	226-36-8	
Dibenz[a,j]acridine	Same	224-42-0	
Dibenz[a,h]anthracene	Same	53-70-3	U063
7H-Dibenzol[c,g]carbazole	Same	194-59-2	
Dibenzof[a,e]pyrene	Naphth[1,2,3,4-def]chrysene	192-65-4	
Dibenzol[a,h]pyrene	Dibenzol(b,def)chrysene	189-64-0	U064
Dibenzol[a,i]pyrene	Benzo[rs]pentaphene	189-55-9	U066
1,2-Dibromo-3-chloropropane	Propane, 1,2-dibromo-3-chloro-	96-12-8	
Dibutyl phthalate	1,2-Benzenedicarboxylic acid, dibutyl ester	84-74-2	U069
o-Dichlorobenzene	Benzene, 1,2-dichloro-	95-50-1	U070
m-Dichlorobenzene	Benzene, 1,3-dichloro-	541-73-1	U071
p-Dichlorobenzene	Benzene, 1,4-dichloro-	106-46-7	U072
Dichlorobenzene, N.O.S.	Benzene, dichloro-, [1,1'-Biphenyl]-4,4'-diamine, 3,3'-dichloro-	25321-22-6	
3,3'-Dichlorobenzidine	Same	91-94-1	U073
1,4-Dichloro-2-butene	2-Butene, 1,4-dichloro-	764-41-0	U074
Dichlorodifluoromethane	Methane, dichlorodifluoro-	75-71-8	U075
Dichloroethylene	Dichloroethylene	25333-30-2	
N.O.S.			
1,1-Dichloroethylene	Ethene, 1,1-dichloro-	75-35-4	U078
1,2-Dichloroethylene	Ethene, 1,2-dichloro-, (E)-	156-60-5	U079



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Common Name	Chemical Abstracts Name	Chemical Abstracts Number (CAS No.)	USEPA Hazardous Waste Number
Dichloroethyl ether	Ethane, 1,1'-oxybis(2-chloro-	111-44-4	U025
Dichloroisopropyl ether	Propane, 1,1'-oxybis(2-chloro-	108-60-1	U027
Dichloromethoxyethane	Ethane, 1,1'-[methylenebis-(oxy)-bis (2-chloro-	111-91-1	U024
Dichloromethyl ether	Methane, oxybis(chloro-	542-88-1	P016
2,4-Dichlorophenol	Phenol, 2,4-dichloro-	120-83-2	U081
2,6-Dichlorophenol	Phenol, 2,6-dichloro-	87-65-0	U082
Dichlorophenyarsine	Arsenous dichloride, phenyl-	696-28-6	P036
Dichloropropane, N.O.S.	Propane, dichloro-	26638-19-7	
Dichloropropanol, N.O.S.	Propanol, dichloro-	26545-73-3	
Dichloropropene, N.O.S.	1-Propene, dichloro-	26952-23-8	
1,3-Dichloropropene	1-Propene, dichloro-	542-75-6	U084
Dieldrin	1,3-dichloro-2,7:3,6'-Dimethanonaphth (2,3-b)oxirene, 3,4, 5,6,9-hexachloro-1a, 2a,3,6,6a,7,7a-octahydro-, (1a,1pha, 2 beta, 2a,1pha, 3beta, 6beta, 6a,1pha, 7beta, 7a,1pha)-	60-57-1	P037
1,2,3,4-Diepoxybutane	2,2'-Bioxirane	1464-53-5	U085
Diethyarsine	Arsine, diethyl-	692-42-2	P038
Diethylene glycol dicarbamate	Ethanol, 2,2'-oxybis-, dicarbamate	5932-26-1	U395
1,4-Diethylenoxide	1,4-Dioxane	123-91-1	U108
Diethylhexyl phthalate	1,2-Benzenedicarboxylic acid, bis(2-ethylhexyl) ester	117-81-7	U028
N,N'-Diethylhydrazine	Hydrazine, 1,2-diethyl-	1615-80-1	U086
O,O-Diethyl-S-methyl dithiophosphate	Phosphorodithioic acid, O,O-diethyl S-methyl ester	3288-58-2	U087
Diethyl-p-	Phosphoric acid, diethyl	311-45-5	P041

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Common Name	Chemical Abstracts Name	Chemical Abstracts Number (CAS No.)	USEPA Hazardous Waste Number
nitrophenyl phosphate	4-nitrophenyl ester	84-66-2	U088
Diethyl phthalate	1,2-Benzenedi-carboxylic acid, diethyl ester	297-97-2	P040
O,O-Diethyl O-pyrazinyl phosphorothioate	Phosphorothioic acid, O,O-diethyl O-pyrazinyl ester	56-53-1	U089
Diethylstilbestrol	Phenol, 4,4'-(1,2-diethyl-1,2-ethenediyl)bis-, (E)-	94-58-6	U090
Dihydrosafrole	1,3-Benzodioxole, 5-propyl-	55-91-4	P043
Disopropyl fluorophosphate (DFP)	Phosphorofluoric acid, bis(1-methylethyl) ester	60-51-5	P044
Dimethoate	Phosphorodithioic acid, O,O-dimethyl S-[2-(methyaminio)-2-oxoethyl] ester	644-64-4	P191
Dimetilan	Carbamic acid, dimethyl-, 1-[(dimethylamino)carbonyl]-5-methyl-1H-pyrazol-3-yl ester	119-90-4	U091
3,3'-Dimethoxybenzidine	[1,1'-Biphenyl] -4,4'-diamine, 3,3'-dimethoxy-	60-11-7	U093
p-Dimethylamino azobenzene	Benzenamine, N,N-dimethyl-4-(phenylazo)-	57-97-6	U094
7,12-Dimethylbenz[a]anthracene	Benz[a]anthracene, 7,12-dimethyl-	119-93-7	U095
3,3'-Dimethylbenzidine	[1,1'-Biphenyl]-4,4'-diamine, 3,3'-dimethyl-	79-44-7	U097
Dimethylcarbamoyl chloride	Carbamic chloride, dimethyl-	57-14-7	U098
1,1-Dimethylhydrazine	Hydrazine, 1,1-dimethyl-	540-73-8	U099
1,2-Dimethylhydrazine	Hydrazine, 1,2-dimethyl-	122-09-8	P046
alpha,alpha-Dimethylphenetidine	Benzenethanamine, alpha, alpha-dimethyl-	105-67-9	U101
2,4-Dimethylphenol	Phenol, 2,4-dimethyl-	131-11-3	U102
Dimethylphthalate	1,2-Benzenedicarboxylic acid, dimethyl ester	77-78-1	U103
Dimethyl sulfate	Sulfuric acid, dimethyl ester	25154-54-5	
Dinitrobenzene, N.O.S.	Benzene, dinitro-		

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Common Name	Chemical Abstracts Name	Chemical Abstracts Number (CAS No.)	USEPA Hazardous Waste Number
4,6-Dinitro-o-cresol	Phenol, 2-methyl-4, 6-dinitro-	534-52-1	F047
4,6-Dinitro-o-cresol salts			P047
2,4-Dinitrophenol	Phenol, 2,4-dinitro-	51-28-5	P048
2,4-Dinitrotoluene	Benene, 1-methyl-2,4 dinitro-	121-14-2	U105
2,6-Dinitrotoluene	Benene, 2-methyl-1,3-dinitro-	606-20-2	U106
Dinoseb	Phenol, 2-(1-methylpropyl)-4,6-dinitro-	88-85-7	P020
Di-n-octyl phthalate	1,2-Benzenedicarboxylic acid, dioctyl ester	117-84-0	U107
Diphenylamine	Benzenamine, N-phenyl-	122-39-4	
1,2-Diphenylhydrazine	Hydrazine, 1,2-diphenyl	122-66-7	U109
Di-n-propyl nitrosamine	1-Propanamine, N-nitroso-N-propyl-	621-64-7	U111
Disulfiram	Thioperoxydicarbonic diamide, tetraethyl	97-77-8	
Disulfoton	Phosphorodithioic acid, O,O-diethyl S-(2-ethylthio)ethyl ester	298-04-4	P039
Dithiobiuret	[[[H2N(C(S)H2)NH]2]NHC(S)H2]NHC(S)H2	541-53-7	P049
Endosulfan	6,9-Methano-2,4,3-benzodioxathiepen,6,7,8,9, 10,10-hexachloro-1,5,5a,6,6,9,9a-hexahydro-, 3-oxide,	115-29-7	P050
Endothal	7-Oxabicyclo[2.2.1]heptane-2,3-dicarboxylic acid	145-73-3	P088
Endrin	Dimethanophth[2,3-bioxirene, 3,4,5,6,9,9-hexachloro-1a,2a,3,6,6a,7,7a-octahydro-, (1aalpha, 2beta, 2abeta, 3alpha, 6alpha, 6abeta, 7beta, 7aalpha)-,	72-20-8	P051
Endrin metabolites			
Epichlorohydrin	Oxirane, (chloromethyl)-	106-89-8	P051
Epinephrine	1,2-Benzenediol,	51-43-4	P042

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Common Name	Chemical Abstracts Name	Chemical Abstracts Number (CAS No.)	USEPA Hazardous Waste Number
	4-(1-hydroxy-2-(methylamino)ethyl)-, (R)-Carbamothioic acid, dipropyl-,	759-94-4	
	S-ethyl ester		
	Carbanic acid, ethyl ester	51-79-6	U238
	Propanenitrile		
	Carbamodithioic acid, 1,1,1-tri-2-ethanediybis-	107-12-0	P101
		111-34-6	U114
			U114
	Ethane, 1,2-dibromo-	106-93-4	U067
	Ethane, 1,2-dichloro-	107-06-2	
	Ethanol, 2-ethoxy-	110-80-5	U359
	Aziridine	151-56-4	P054
	Oxirane	75-21-8	U115
	2-Imidazoli	96-45-7	U116
	dinethione		
	Ethane, 1,1-dichloro-	75-34-3	U076
	2-Propenoic acid, 2-methyl-, ethyl ester	97-63-2	U118
	Methanesulfonic acid, 62-50-0		U119
	ethyl ester		
	Zinc, bis(diethylcarbamodithioato-S,S')-	14324-55-1	U407
	Phosphorothioic acid, O-(4-[(dimethylamino)sulfonyl]phenyl)	52-85-7	P097
	O,O-dimethyl ester		
	Iron, tris(dimethylcarbamodithioato-S,S')-, Same	14484-64-1	
	Same	206-44-0	U120
	Same	7782-41-4	P056
	Acetamide, 2-fluoro-	640-19-7	P057
	Acetic acid, fluoro-, sodium salt	62-74-8	P058
	Same		
	Methanimidamide, N,N-dimethyl-N'-[3-[(methylamino)carbonyl-oxy]phenyl]-, monohydrochloride	50-00-0	U122
		23422-53-9	P198

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Common Name	Chemical Abstracts Name	Chemical Abstracts Number (CAS No.)	USEPA Hazardous Waste Number	Common Name	Chemical Abstracts Name	Chemical Abstracts Number (CAS No.)	USEPA Hazardous Waste Number
Formic acid	Same	64-18-16	U123	Hydrogen fluoride	Hydrofluoric acid	7664-39-3	U134
Formate	Methanimidamide, N,N-dimethyl-N'-[2-methyl-4-[[[(methyldimino)carbonyl]oxy]phenyl]-oxiranecarboxaldehyde	17702-57-7	P197	Hydrogen sulfide	Hydrogen sulfide H(2)S	7783-06-4	U135
Glycidylaldehyde	Oxiranecarboxaldehyde	765-34-4	U126	3-Iodo-2-propynyl-n-butyl-carbamate	Carbamic acid, butyl-, 3-iodo-2-propynyl ester	193-39-5	U137
Halomethanes, N.O.S.	4,7-Methano-1H-indene, 1,4,5,6,7,8,8-heptachloro-	76-44-8	P059	Isobutyl alcohol	1-Propanol, 2-methyl-, 1,4,5,8-dimethano	78-83-1	U140
Heptachlor	2,5-Methano-2H-indeno[1,2-b]oxirene, 4,3,4,10,5,6,7,7-heptachloro-1a,1b,5,5a,6,6a-hexahydro-, (1a,1b,5,5a,6,6a-hexachloro-2alpha,5alpha,6beta,8beta,8alpha)-	1024-57-3		Isodrin	naphthalene, 1,2,3,4,10,10-hexachloro-1,4,4a,5,8,8a-hexahydro-, (1a,1b,5,5a,6,6a-hexachloro-2alpha,5alpha,6beta,8beta,8alpha)-	465-73-6	P060
Heptachlor epoxide	2,5-Methano-2H-indeno[1,2-b]oxirene, 4,3,4,10,5,6,7,7-heptachloro-1a,1b,5,5a,6,6a-hexahydro-, (1a,1b,5,5a,6,6a-hexachloro-2alpha,5alpha,6beta,8beta,8alpha)-			Isolan	Carbamic acid, dimethyl-, 3-methyl-1-(1-methylethyl)-1H-pyrazol-5-yl ester	119-38-0	P192
Heptachlor epoxide (alpha, beta, and gamma isomers)	2,5-Methano-2H-indeno[1,2-b]oxirene, 4,3,4,10,5,6,7,7-heptachloro-1a,1b,5,5a,6,6a-hexahydro-, (1a,1b,5,5a,6,6a-hexachloro-2alpha,5alpha,6beta,8beta,8alpha)-			Isosafrole	5-(1-propenyl)-1,3,4-metheno-2H-cyclobuta[cd]pentalen-	120-58-1	U141
Heptachlorodibenzofurans	2,5-Methano-2H-indeno[1,2-b]oxirene, 4,3,4,10,5,6,7,7-heptachloro-1a,1b,5,5a,6,6a-hexahydro-, (1a,1b,5,5a,6,6a-hexachloro-2alpha,5alpha,6beta,8beta,8alpha)-			Kepon	2-Butenoic acid, 2-methyl-, 7-[[[2,3-dihydroxy-2-(1-methoxyethyl)-3-methyl-1-oxobutoxy]methyl]-2,3,5,7a-tetrahydro-1H-pyrazolizin-1-yl ester, [1S-[1-(alpha(Z),7(2S*,3R*),7a-alpha)]]-	143-50-0	U142
Heptachlorodibenzodioxins	2,5-Methano-2H-indeno[1,2-b]oxirene, 4,3,4,10,5,6,7,7-heptachloro-1a,1b,5,5a,6,6a-hexahydro-, (1a,1b,5,5a,6,6a-hexachloro-2alpha,5alpha,6beta,8beta,8alpha)-			Lasiocarpine	Acetic acid, lead (2+) salt	303-34-1	U143
Hexachlorobenzene	2,5-Methano-2H-indeno[1,2-b]oxirene, 4,3,4,10,5,6,7,7-heptachloro-1a,1b,5,5a,6,6a-hexahydro-, (1a,1b,5,5a,6,6a-hexachloro-2alpha,5alpha,6beta,8beta,8alpha)-			Lead	Acetic acid, lead (2+) salt	7439-92-1	
Hexachlorobutadiene	2,5-Methano-2H-indeno[1,2-b]oxirene, 4,3,4,10,5,6,7,7-heptachloro-1a,1b,5,5a,6,6a-hexahydro-, (1a,1b,5,5a,6,6a-hexachloro-2alpha,5alpha,6beta,8beta,8alpha)-			Lead acetate	Acetic acid, lead (2+) salt	301-04-2	U144
Hexachlorocyclopentadiene	2,5-Methano-2H-indeno[1,2-b]oxirene, 4,3,4,10,5,6,7,7-heptachloro-1a,1b,5,5a,6,6a-hexahydro-, (1a,1b,5,5a,6,6a-hexachloro-2alpha,5alpha,6beta,8beta,8alpha)-			Lead phosphate	Phosphoric acid, lead (2+) salt (2:3)	7446-27-7	U145
Hexachlorodibenzofurans	2,5-Methano-2H-indeno[1,2-b]oxirene, 4,3,4,10,5,6,7,7-heptachloro-1a,1b,5,5a,6,6a-hexahydro-, (1a,1b,5,5a,6,6a-hexachloro-2alpha,5alpha,6beta,8beta,8alpha)-			Lead subacetate	Lead, bis(acetate-O) tetrahydroxytri-	1335-32-6	U146
Hexachlorodibenzothianes	2,5-Methano-2H-indeno[1,2-b]oxirene, 4,3,4,10,5,6,7,7-heptachloro-1a,1b,5,5a,6,6a-hexahydro-, (1a,1b,5,5a,6,6a-hexachloro-2alpha,5alpha,6beta,8beta,8alpha)-			Lindane	Cyclohexane, 1,2,3,4,5,6-hexachloro-, 1a,1b,5,5a,6,6a-hexachloro-, 2alpha,3beta,4alpha,5alpha,6beta)-	58-89-9	U129
Hexachloropropene	2,5-Methano-2H-indeno[1,2-b]oxirene, 4,3,4,10,5,6,7,7-heptachloro-1a,1b,5,5a,6,6a-hexahydro-, (1a,1b,5,5a,6,6a-hexachloro-2alpha,5alpha,6beta,8beta,8alpha)-			Maleic anhydride	2,5-Furandione	108-31-6	U147
Hexaethyltetraphosphate	2,5-Methano-2H-indeno[1,2-b]oxirene, 4,3,4,10,5,6,7,7-heptachloro-1a,1b,5,5a,6,6a-hexahydro-, (1a,1b,5,5a,6,6a-hexachloro-2alpha,5alpha,6beta,8beta,8alpha)-						
Hydrazine	2,5-Methano-2H-indeno[1,2-b]oxirene, 4,3,4,10,5,6,7,7-heptachloro-1a,1b,5,5a,6,6a-hexahydro-, (1a,1b,5,5a,6,6a-hexachloro-2alpha,5alpha,6beta,8beta,8alpha)-						
Hydrogen cyanide	2,5-Methano-2H-indeno[1,2-b]oxirene, 4,3,4,10,5,6,7,7-heptachloro-1a,1b,5,5a,6,6a-hexahydro-, (1a,1b,5,5a,6,6a-hexachloro-2alpha,5alpha,6beta,8beta,8alpha)-						

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Common Name	Chemical Abstracts Name	Chemical Abstracts Number (CAS No.)	USEPA Hazardous Waste Number
Hydrogen fluoride	Hydrofluoric acid	7664-39-3	U134
Hydrogen sulfide	Hydrogen sulfide H(2)S	7783-06-4	U135
3-Iodo-2-propynyl-n-butyl-carbamate	Carbamic acid, butyl-, 3-iodo-2-propynyl ester	193-39-5	U137
Isobutyl alcohol	1-Propanol, 2-methyl-, 1,4,5,8-dimethano	78-83-1	U140
Isodrin	naphthalene, 1,2,3,4,10,10-hexachloro-1,4,4a,5,8,8a-hexahydro-, (1a,1b,5,5a,6,6a-hexachloro-2alpha,5alpha,6beta,8beta,8alpha)-	465-73-6	P060
Isolan	Carbamic acid, dimethyl-, 3-methyl-1-(1-methylethyl)-1H-pyrazol-5-yl ester	119-38-0	P192
Isosafrole	5-(1-propenyl)-1,3,4-metheno-2H-cyclobuta[cd]pentalen-	120-58-1	U141
Kepon	2-Butenoic acid, 2-methyl-, 7-[[[2,3-dihydroxy-2-(1-methoxyethyl)-3-methyl-1-oxobutoxy]methyl]-2,3,5,7a-tetrahydro-1H-pyrazolizin-1-yl ester, [1S-[1-(alpha(Z),7(2S*,3R*),7a-alpha)]]-	143-50-0	U142
Lasiocarpine	Acetic acid, lead (2+) salt	303-34-1	U143
Lead	Acetic acid, lead (2+) salt	7439-92-1	
Lead and compounds, N.O.S.	Acetic acid, lead (2+) salt	301-04-2	U144
Lead acetate	Acetic acid, lead (2+) salt	7446-27-7	U145
Lead phosphate	Phosphoric acid, lead (2+) salt (2:3)	7446-27-7	U146
Lead subacetate	Lead, bis(acetate-O) tetrahydroxytri-	1335-32-6	U146
Lindane	Cyclohexane, 1,2,3,4,5,6-hexachloro-, 1a,1b,5,5a,6,6a-hexachloro-, 2alpha,3beta,4alpha,5alpha,6beta)-	58-89-9	U129
Maleic anhydride	2,5-Furandione	108-31-6	U147

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Common Name	Chemical Abstracts Name	Chemical Abstracts Number (CAS No.)	USEPA Hazardous Waste Number
Maleic hydrazide	3,6-Pyridazinedione, 1,2-dihydro-	123-33-1	U148
Malonitrile	Propanedinitrile	109-77-3	U149
Manganese dimethyldithiocarbamate	Manganese, bis(dimethyl-15339-36-3	p196	
Meiphalan	1-Phenylalanine, 4-[bis(2-chloroethyl)amino]-	148-82-3	U150
Mercury	Same	7439-97-6	U151
Mercury compounds, N.O.S.	Fulminic acid, mercury	628-86-4	P065
Mercury fulminate	(2t) salt	137-42-8	
Metam Sodium	Carbamodithioic acid, methyl-, monosodium salt	126-98-7	U152
Methacrylonitrile	2-Propenenitrile, 2-methyl-	91-80-5	U155
Methapyrilene	1,2-Ethanediamine, N,N-dimethyl-N'-2-pyridinyl-N'-(2-thienylmethyl)-	2032-65-7	P199
Methiocarb	Phenol, (3,5-dimethyl-4-(methylthio))-	16752-77-5	P066
Metholmyl	Ethanimidothioic acid, N-[[[(methylamino)carbonyl]oxy]-, methyl ester	72-43-5	U247
Methoxychlor	Benzene, 1,1'-(2,2,2-trichloroethylidene) bis(4-methoxy-	74-83-9	U029
Methyl bromide	Methane, bromo-	74-87-3	U045
Methyl chloride	Methane, chloro-	79-22-1	U156
Methylchlorocarbonate	Carbonochloridic acid, methyl ester	71-55-6	U226
Methyl chloroform	Ethane, 1,1,1-trichloro-	56-49-5	U157
3-Methylcholanthrene	Benz[.]aceanthrylene, 1,2-dihydro-3-methyl-	101-14-4	U158
4,4'-Methylenebis	Benzenamine, 4,4'-methylenebis(2-chloro-	74-95-3	U068
Methylene bromide	Methane, dibromo-	75-09-2	U080
Methylene chloride	Methane, dichloro-	78-93-3	U159
Methyl ethyl ketone (MEK)	2-Butanone	1338-23-4	U160
Methyl ethyl ketone peroxide	2-Butanone, peroxide		

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Common Name	Chemical Abstracts Name	Chemical Abstracts Number (CAS No.)	USEPA Hazardous Waste Number
Methyl hydrazine	Hydrazine, methyl-	60-34-4	P068
Methyl iodide	Methane, iodo-	74-88-4	U138
Methyl isocyanate	Methane, isocyanato-	624-83-9	P064
2-Methylacetonitrile	Propanenitrile, 2-hydroxy-2-methyl-	75-86-5	P069
Methyl methacrylate	2-Propenoic acid, 2-methyl-, methyl ester	80-62-6	U162
Methyl methanesulfonate	Methanesulfonic acid, methyl ester	66-27-3	
Methyl parathion	Phosphorothioic acid, O,O-dimethyl O-(4-nitrophenyl) ester	298-00-0	P071
Methylthiouracil	4-(1H)-pyrimidinone, 2,3-dihydro-6-methyl-2-thioxo-	56-04-2	U164
Metolcarb	Carbamic acid, methyl-, 3-methylphenyl ester	1129-41-5	P190
Mexcarbarte	Phenol, 4-(dimethylamino)-3,5-dimethyl-, methyl-carbamate (ester)	315-18-4	P128
Mitomycin C	Azirinol(2', 3':3, 4)pyrrolol(1,2-allyl)-8-7-dione, 6-amino-4, -1,1a,2,8,8a,8b-[[[amino]carbonyl]oxy]methyl]hexahydro-8a-methoxy-5-methyl-, [1a-S-(8alpha,8beta,8alpha,8beta)1H-Azepine-1-carbathioic acid, hexahydro-, S-ethyl ester	50-07-7	U010
MNNG	Guanidine, N-methyl-N'-nitro-N-nitroso-	2212-67-1	U163
Mustard gas	Ethane, 1,1'-thiobis[2-chloro-]	505-60-2	U165
Naphthalene	Same	91-20-3	U165
1,4-Naphthoquinone	1,4-Naphthalenedione	130-15-4	U166
alpha-Naphthylamine	1-Naphthalenamine	134-32-7	U167
beta-Naphthylamine	2-Naphthalenamine	91-59-6	U168
alpha-Naphthylthiourea	Thiourea, 1-naphthalenyl-	86-88-4	P072
Nickel	Same	7440-02-0	
Nickel compounds, N.O.S.	Nickel carbonyl	13463-39-	P073



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Common Name	Chemical Abstracts Number (CAS No.)	USEPA Hazardous Waste Number
Nickel cyanide	557-19-7	P074
Nicotine	54-11-5	P075
Nicotinic salts	10102-43-9	P076
Nitric oxide	100-01-6	P077
p-Nitroaniline	98-95-3	P078
Nitrobenzene	10102-44-0	P078
Nitrogen dioxide	51-75-2	
Nitrogen mustard		
Nitrogen mustard, hydrochloride salt		
Nitrogen mustard N-oxide		
Nitrogen mustard, N-oxide, hydrochloride salt		
Nitroglycerin		
p-Nitrophenol		
2-Nitropropane		
Nitrosamines, N.O.S.		
N-Nitrosodi-n-butylamine		
N-Nitrosodiethanolamine		
N-Nitrosodiethylamine		
N-Nitrosodimethylamine		
N-Nitroso-N-ethylurea		
N-Nitrosomethylethylamine		
N-Nitroso-N-methylurea		
N-Nitroso-N-methylurethane		
N-Nitrosomethylvinylamine		
N-Nitrosomorpholine		
Ni(CO) [4], (T-4)-	3	
Nickel cyanide	557-19-7	P074
Ni(CN) [2]	54-11-5	P075
Pyridine, 3-(1-methyl-2-pyridinyl)-, (S)-		
Nitrogen oxide NO	10102-43-9	P076
Benzenamine, 4-nitro	100-01-6	P077
Nitrogen oxide NO [2]	10102-44-0	P078
Ethanamine, 2-chloro-N-(2-chloroethyl)-N-methyl-N-oxide		
Ethanamine, 2-chloro-N-(2-chloroethyl)-N-methyl-N-oxide		
1,2,3-Propanetriol, trinitrate	55-63-0	P081
Phenol, 4-nitro	100-02-7	U170
Propane, 2-nitro	79-46-9	U171
1-Butanamine, N-butyl-N-nitroso-	924-16-3	U172
Ethanol, 2,2'-	1116-54-7	U173
(nitrosamino)bis-		
Ethanamine, N-ethyl-N-nitroso-	55-18 5	U174
Methanamine, N-methyl-N-nitroso-	62-75-9	P082
Urea, N-ethyl-N-nitroso-	759-73-9	U176
Ethanamine, N-methyl-N-nitroso-	10595-95-6	
Carbamic acid, methylnitroso-, ethyl ester	684-93-5	U177
Vinylamine, N-methyl-N-nitroso-	615-53-2	U178
Morpholine, N-nitroso-	4549-40-0	P084
Nitrogen mustard, N-oxide, hydrochloride salt	59-89-2	

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Common Name	Chemical Abstracts Name	Chemical Abstracts Number (CAS No.)	USEPA Hazardous Waste Number
N-Nitrosomorpholine	Pyridine, 3-(1-nitroso-2-pyridinyl)-, (S)-	16543-55-8	
N-Nitrosopyrrolidine	Piperidine, 1-nitroso-	100-75-4	U179
N-Nitrosopyrrolidine	Pyridoline, 1-nitroso-	930-55-2	U180
N-Nitrososarcosine	Glycine, N-methyl-N-nitroso-	13256-22-9	
5-Nitro-o-toluidine	Benzenamine, 2-methyl-5-nitro-	99-55-8	U181
Octachlorodibenzo-p-dioxin (OCDD)	1,2,3,4,5,7,8,9-Octachlorodibenzo-p-dioxin	3268-87-9	
Octachlorodibenzofuran (OCDF)	1,2,3,4,6,7,8,9-Octachlorodibenzofuran	39001-02-0	
Octamethyl pyrophosphoramide	Diphosphoramide, octamethyl-	152-16-9	P085
Osmium tetroxide	Osmium oxide OsO(4), (T-4)	20816-12-0	P087
Oxamyl	Ethanimidithioc acid, 2-(dimethylamino)-N-[(methyl-amino)carbonyloxy]-2-oxo-, methyl ester	23135-22-0	P194
Paraldehyde	1,3,5-Trioxane, 2,4,6-trimethyl-	123-63-7	U182
Parathion	Phosphorothioic acid, O,O-diethyl O-(4-nitrophenyl) ester	56-38-2	P089
Pebulate	Carbamothioic acid, butylethyl-, S-propyl ester	1114-71-2	
Pentachlorobenzene	Benzene, pentachloro-	608-93-5	U183
Pentachlorodibenzo-p-dioxins	Ethane, pentachloro-	76-01-7	U184
Pentachlorodibenzofurans	Benzene, pentachloronitro-	82-68-8	U185
Pentachloroethane	Phenol, pentachloro-Acetamide, N-(4-ethoxyphenyl)-	87-86-5	See P027
Pentachloronitrobenzene (PCNB)	Same	62-44-2	U187
Phenacetin	Phenol	108-95-2	U188
Phenol	Phenylendiamine	23265-76-3	P092
Phenylmercury acetate	Mercury, (acetato-O)phenyl-	62-38-4	
Phenylthiourea	Thiourea, phenyl-	103-85-5	P093

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Common Name	Chemical Abstracts Name	Chemical Abstracts Number (CAS No.)	USEPA Hazardous Waste Number
Phosgene	Carbonic dichloride	75-44-5	P095
Phosphine	Same	7803-51-2	P096
Phorate	Phosphorodithioic acid, O,O-diethyl S-[(ethylthio)methyl] ester	298-02-2	P094
Phthalic acid esters, N.O.S.			
Phthalic anhydride	1,3-Isobenzofurandione	85-44-9	U190
Physostigmine	Pyrido[2,3-b]indol-5-ol, 1,2,3,3a,8,8a-hexahydro-1,3a,8-trimethyl-, methyl-carbamate (ester), (1:1)	57-47-6	P204
Physostigmine salicylate	Benzoic acid, 2-hydroxy-, compound with (3aS-cis)-1,2,3,3a,8,8a-hexahydro-1,3a,8-trimethylpyrrolo [2,3-b]-indol-5-yl methyl carbamate ester (1:1)	57-64-7	P188
2-Picoline	Pyridine, 2-methyl-	109-06-8	U191
Polychlorinated biphenyls, N.O.S.			
Potassium cyanide	Same	151-50-8	P098
Potassium dimethyldithiocarbamate	Carbamodithioc acid, dimethyl-, potassium salt	128-03-0	
Potassium n-hydroxymethyl-n-methyl-dithiocarbamate	Carbamodithioc acid, (hydroxymethyl)methyl-, monopotassium salt	51026-28-9	
Potassium n-methyldithiocarbamate	Carbamodithioc acid, methyl-monopotassium salt	137-41-7	
Potassium silver cyanide	Argentate(1-), bis(cyano-C)-, potassium	506-61-6	P099
Potassium pentachlorophenol, promecarb	Pentachlorophenol, potassium salt	7778736	None
Promazine	Phenol, 3-methyl-5-(1-methylethyl)-, methyl carbamate	2631-37-0	P201
Pronamide	Benzanide, 3,5-dichloro-N-(1,1-dimethyl-2-propenyl)-	23950-58-5	U192

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Common Name	Chemical Abstracts Name	Chemical Abstracts Number (CAS No.)	USEPA Hazardous Waste Number
1,3-Propane sulfone	1,2-Oxathiolane, 2,2-dioxide	1120-71-4	U193
Propham	Carbamic acid, phenyl-, 1-methylethyl ester	122-42-9	U373
Propoxur	Phenol, 2-(1-methylethoxy)-, ethoxy-, methylcarbamate	114-26-1	U411
n-Propylamine	1-Propanamine	107-10-8	U194
Propargyl alcohol	2-Propyn-1-ol	107-19-7	P102
Propylene dichloride	Propane, 1,2-dichloro-	78-87-5	U083
1,2-Propylenimine	Aziridine, 2-methyl-	75-55-8	P067
Propylthiouracil	4(UH)-Pyrimidinone, 2,3-dihydro-6-propyl-2-thioxo-	51-52-5	
Prosulfocarb	Carbamothioic acid, dipropyl-, S-(phenylmethyl) ester	52888-80-9	U387
Pyridine	Same	110-86-1	U196
Reserpine	Yohimban-16-carboxylic acid, 11,17-dimethoxy-18-[(3,4,5-trimethoxybenzoyl)oxy]-, methyl ester, (3beta, 16beta, 20alpha)-, 18beta, 17alpha)-, 1,3-Benzenediol 1,2- Benzisothiazol-3(2H)-one, 1,1-dioxide	108-46-3 81-07-2	U201 U202
Saccharin	1,3-Benzodioxole, 5-(2-propenyl)- Same	94-59-7 7782-49-2	U202 U203
Saccharin salts	Selenium compounds, N.O.S.		
Safrole	Selenium dioxide	7783-00-8	U204
Selenium compounds, N.O.S.	Selenium sulfide	7488-56-4	U205
Selenium dioxide	Selenium sulfide		
Selenium sulfide	Selenium, tetrakis (dimethyl-dithiocarbamate tetraanhydrosulfide with	144-34-3	

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Common Name	Chemical Abstracts Name	Chemical Abstracts Number (CAS No.)	USEPA Hazardous Waste Number
Selenourea	orthothioselenious acid	630-10-4	P103
Silver	Same	7440-22-4	
Silver compounds, N.O.S.	Same		
Silver cyanide	Silver cyanide AgCN	506-64-9	P104
Silvex (2,4,5-TP)	Propanoic acid, 2-(2,4,5-trichlorophenoxy)-	93-72-1	See F027
Sodium cyanide	Sodium cyanide NaCN	143-33-9	P106
Sodium	Carbamodithioic acid, dibutyl-, sodium salt	136-30-1	
Sodium	Carbamodithioic acid, diethyl-, sodium salt	148-18-5	
Sodium	Carbamodithioic acid, dimethyl-, sodium salt	128-04-1	
Sodium	Carbamodithioic acid, dimethyl-, sodium salt	131522	None
Sodium pentachlorophenate	Pentachlorophenol, sodium salt	18883-66-4	U206
Streptozotocin	D-Glucose, 2-deoxy-2-[[[(methylnitrosoamino) carbonyl]amino]-strychnidin-10-one	57-24-9	P108
Strychnine	Strychnidin-10-one	2108	
Strychnine salts	Carbamodithioic acid, diethyl-, 2-chloro-2-propenyl ester	95-06-7	
Sulfallate	Dibenzof[b,e][1,4]dioxin 2,3,7,8-tetrachloro-	1746-01-6	
TCDD	tetrachloro-	1634-02-2	
Tetrabutylthiuram disulfide	Thiopropoxydicarbonyl diamide, tetrabutyl bis[(dimethylthiocarbamoyl) sulfide]	97-74-5	
Tetramethylthiuram monosulfide	Benzene, 1,2,4,5-tetrachloro-	95-94-3	U207
1,2,4,5-Tetrachlorobenzene	tetrachloro-		
Tetrachlorodibenzop-dioxins	Ethane, tetrachloro-, N.O.S.	25322-20-7	
Tetrachlorodibenzofurans	Ethane, 1,1,1,2-tetrachloro-, N.O.S.	630-20-6	U208
Tetrachloroethane, 1,1,1,2-Tetrachloroethane	Ethane, 1,1,2,2-	79-34-5	U209

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Common Name	Chemical Abstracts Name	Chemical Abstracts Number (CAS No.)	USEPA Hazardous Waste Number
	tetrachloro-	127-18-4	U210
	Ethene, tetrachloro-Phenol, 2,3,4,6-tetrachloro-	58-90-2	See F027
	Same	53535276	None
	Same	25567559	None
	Thiodiphosphoric acid, tetraethyl ester	3689-24-5	P109
	Plumbane, tetraethyl	78-00-2	P110
	Diphosphoric acid, tetraethyl ester	107-49-3	P111
	Methane, tetranitro-	509-14-8	P112
	Same	7440-28-0	
	Thallium	1314-32-5	P113
	oxide Tl <sub>2</sub> O[3]		
	Acetic acid, thallium (1+) salt	563-68-8	U214
	Carbonic acid, dithallium (1+) salt	6533-73-9	U215
	Thallium chloride	7791-12-0	U216
	TlCl		
	Nitric acid, thallium (1+) salt	10102-45-1	U217
	Selenious acid, dithallium (1+) salt	12039-52-0	P114
	Sulfuric acid, dithallium (1+) salt	7446-18-6	P115
	Ethanethioamide	62-55-5	U218
	Ethanimidobis(1,2-N,N'-[thiobis[[methyl-imino]carbonyloxy]]-bis-, dimethyl ester	59669-26-0	U410
	2-Butanone, 3,3-dimethyl-1-(methylthio)-, O-[[methylamino] carbonyl]oxime	39196-18-4	P045
	Carbamic acid, (1,2-phenylenebis(imino-carbonothioyl))-bis-, dimethyl ester	23564-05-8	U409

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Common Name	Chemical Abstracts Name	Chemical Abstracts Number (CAS No.)	US EPA Hazardous Waste Number
Thiomethanol	Methanethiol	74-93-1	U153
Thiophenol	Benzenethiol	108-98-5	P014
Thiosemicarbazide	Hydrazinecarbothioamide	79-19-6	P116
Thiourea	Sane	62-56-6	P219
Thiram	Thiohexoxydicarbonic diamide [(H <sub>2</sub> CN)(S)] <sub>2</sub>	137-26-8	U244
Tirpate	S[2], tetramethyl-1,3-dithiolane-2-carboxaldehyde, 2,4-dimethyl-, O-[(methylamino)carbonyl] oxime	26419-73-8	P185
Toluene	Benzene, methyl-	108-88-3	U220
Toluenediamine	Benzenediamine, ar-methyl-	25376-45-8	U221
Toluene-2,4-diamine	1,3-Benzenediamine, 4-methyl-	95-80-7	
Toluene-2,6-diamine	1,3-Benzenediamine, 2-methyl-	823-40-5	
Toluene-3,4-diamine	1,2-Benzenediamine, 4-methyl-	496-72-0	
Toluene diisocyanate	Benzene, 1,3-diisocyanatomethyl-	26471-62-5	U223
o-Toluidine	Benzenamine, 2-methyl-	95-53-4	U328
o-Toluidine hydrochloride	Benzenamine, 2-methyl-, hydrochloride	636-21-5	U222
p-Toluidine	Benzenamine, 4-methyl-	106-49-0	U353
Toxaphene	Sane	8001-35-2	P123
Triallate	Carbamothioic acid, bis[(1-methylethyl)-, S-(2,3,3-trichloro-2-propenyl) ester	2303-17-5	U389
1,2,4-Trichlorobenzene	Benzene, 1,2,4-trichloro-	120-82-1	
1,1,2-Trichloroethane	Ethane, 1,1,2-trichloro-	79-00-5	U227
Trichloroethylene	Ethene, trichloro-	79-01-6	U228
Trichloromethanethiol	Methanethiol, trichloro-	75-70-7	P118
Trichloromono-fluoromethane	Methane, trichlorofluoro-	75-69-4	U121
2,4,5-Trichlorophenol	Phenol, 2,4,5-trichloro-	95-95-4	See F027
2,4,6-Trichlorophenol	Phenol, 2,4,6-trichloro-	88-06-2	See F027
2,4,5-T	Acetic acid, (2,4,5-trichlorophenoxy)-	93-76-5	See F027
Trichloropropane		25735-29-9	
Propane, 1,2,3-trichloro-			
Ethanamine, N,N-diethyl-			
Phosphorothioic acid, O,O,O-triethyl ester			
Benzene, 1,3,5-trinitro-			
Acetidine, 1,1',1''-phosphinothiophosphorimidate, 2,3-dibromo-, phosphate (3:1)			
2,7-Naphthalenedisulfonic acid, 3,3'-[[3,3'-dimethyl diyl]-bis(azo)]bis[5-amino-4-hydroxy]-, tetrasodium salt			
Pyrimidinone, 5-[bis(2-chloroethyl)amino]-			
Vanadium oxide V2O5			
Carbamothioic acid, dipropyl-, S-propyl ester			
Ethene, chloro-			
2H-1-Benzopyran-2-one, 4-hydroxy-3-			
(3-oxo-1-phenylbutyl)-, when present at concentrations less than 0.3 percent			
2H-1-Benzopyran-2-one, 4-hydroxy-3-(3-oxo-1-phenylbutyl)-, when present at concentrations greater than 0.3 percent			
Warfarin salts, when present at concentrations less than 0.3 percent			
Warfarin salts, when present at concentrations greater than 0.3 percent			

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Common Name	Chemical Abstracts Name	Chemical Abstracts Number (CAS No.)	US EPA Hazardous Waste Number
Thiomethanol	Methanethiol	74-93-1	U153
Thiophenol	Benzenethiol	108-98-5	P014
Thiosemicarbazide	Hydrazinecarbothioamide	79-19-6	P116
Thiourea	Sane	62-56-6	P219
Thiram	Thiohexoxydicarbonic diamide [(H <sub>2</sub> CN)(S)] <sub>2</sub>	137-26-8	U244
Tirpate	S[2], tetramethyl-1,3-dithiolane-2-carboxaldehyde, 2,4-dimethyl-, O-[(methylamino)carbonyl] oxime	26419-73-8	P185
Toluene	Benzene, methyl-	108-88-3	U220
Toluenediamine	Benzenediamine, ar-methyl-	25376-45-8	U221
Toluene-2,4-diamine	1,3-Benzenediamine, 4-methyl-	95-80-7	
Toluene-2,6-diamine	1,3-Benzenediamine, 2-methyl-	823-40-5	
Toluene-3,4-diamine	1,2-Benzenediamine, 4-methyl-	496-72-0	
Toluene diisocyanate	Benzene, 1,3-diisocyanatomethyl-	26471-62-5	U223
o-Toluidine	Benzenamine, 2-methyl-	95-53-4	U328
o-Toluidine hydrochloride	Benzenamine, 2-methyl-, hydrochloride	636-21-5	U222
p-Toluidine	Benzenamine, 4-methyl-	106-49-0	U353
Toxaphene	Sane	8001-35-2	P123
Triallate	Carbamothioic acid, bis[(1-methylethyl)-, S-(2,3,3-trichloro-2-propenyl) ester	2303-17-5	U389
1,2,4-Trichlorobenzene	Benzene, 1,2,4-trichloro-	120-82-1	
1,1,2-Trichloroethane	Ethane, 1,1,2-trichloro-	79-00-5	U227
Trichloroethylene	Ethene, trichloro-	79-01-6	U228
Trichloromethanethiol	Methanethiol, trichloro-	75-70-7	P118
Trichloromono-fluoromethane	Methane, trichlorofluoro-	75-69-4	U121
2,4,5-Trichlorophenol	Phenol, 2,4,5-trichloro-	95-95-4	See F027
2,4,6-Trichlorophenol	Phenol, 2,4,6-trichloro-	88-06-2	See F027
2,4,5-T	Acetic acid, (2,4,5-trichlorophenoxy)-	93-76-5	See F027
Trichloropropane		25735-29-9	



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Common Name	Chemical Abstracts Name	Chemical Abstracts Number (CAS No.)	USEPA Hazardous Waste Number
Zinc cyanide	Zinc cyanide Zn(CN) <sub>2</sub>	557-21-1	P121
Zinc phosphide	Zinc phosphide P <sub>2</sub> Zn <sub>3</sub> , when present at concentrations greater than 10 percent	1314-84-7	P122
Zinc phosphide	Zinc phosphide P <sub>2</sub> Zn <sub>3</sub> , when present at concentrations of 10 percent or less	1314-84-7	U249
Ziram	Zinc, bis(dimethylcarbamodithioato-S,S')-(P-4)-	137-30-4	P205

Note: The abbreviation N.O.S. (not otherwise specified) signifies those members of the general class that are not specifically listed by name in this Section.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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- 1) Heading of the Part: Land Disposal Restrictions
- 2) Code citation: 35 Ill. Adm. Code 728
- 3)
 

Section numbers:	Proposed Action:
728.132	Amend
728.133	Amend
728.149	Amend
APPENDIX C	Amend
TABLE T	Amend
TABLE U	Amend
- 4) Statutory authority: 415 ILCS 5/7-2, 22.4, and 27.

5) complete description of the subjects and issues involved: A more detailed description is contained in the Board's opinion and order of February 15, 2001, proposing amendments in docket R01-21/R01-23 (consolidated) for public comment, which opinion and order is available from the address below. As is explained in that opinion, the Board will receive public comment on the proposed amendments for 45 days from the date they appear in the *Illinois Register* before proceeding to adopt amendments based on this proposal.

This proceeding would update the Illinois RCRA Subtitle C hazardous waste and underground injection control (UIC) rules to correspond with amendments adopted by the United States Environmental Protection Agency (USEPA) that appeared in the Federal Register during a single update period. The dockets and time period that is involved in this proceeding is the following:

R01-21	Federal RCRA Subtitle C amendments that occurred during the period July 1, 2001, through December 31, 2001.
R01-23	Federal UIC amendments that occurred during the period July 1, 2001, through December 31, 2001.

The consolidated R01-21/R01-23 docket amends rules in 35 Ill. Adm. Code 703, 720, 721, 728, and 738. For a description of the federal actions underlying these amendments, see the Notice of Proposed Amendments for 35 Ill. Adm. Code 703 in this issue of the *Illinois Register*.

Specifically, the amendments to Part 728 implement segments of the federal November 8, 2000, hazardous waste listings and LDRA for chlorinated aliphatics production wastes and the December 26, 2000, amendment to the Phase IV LDR rules as they pertain to PCBs as a constituent subject to treatment in soils that are hazardous waste because they exhibit the

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characteristic of toxicity due to the presence of metals.

The tables below list numerous corrections and amendments in Part 728 that are not based on current federal amendments. The first table includes deviations made in these amendments from the verbatim text of the federal amendments. The second table contains corrections and clarifications that the Board made in the base text involved in these amendments. These tables are reproduced from the tables that appear in the Board's opinion of February 15, 2001, in docket R01-R01-23 (consolidated). Some of the entries in these tables are discussed further in appropriate segments of the general discussion in that opinion.

Table 1:

## Deviations from the Text of the Federal Amendments

Illinois Section	40 C.F.R.	Revision(s)
Section		
728.132(a)	268.32(a)	Removed the past effective date statement "effective December 26, 2000"; changed "D004-D011" to "USEPA hazardous waste numbers D004 through D011"
728.132(b)	268.32(b)	Added "any of the following conditions is fulfilled"
728.132(b)(1)	268.32(b)(1)	Added "low-halogenated . . . standards;" as a subsection heading
728.132(b)(1)(B)	268.32(b)(1)(i)	Changed "EPA hazardous waste numbers D004-D011" to "USEPA hazardous waste numbers D004 through D011"
728.132(b)(2)	268.32(b)(2)	Added "low-halogenated . . . soil;" as a subsection heading
728.133 heading	268.33	Changed the heading to title case
728.133(a)	268.33(a)	Removed the effective date statement "effective May 8, 2001," which will be past prior to the effective date

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728.133(b)	268.33(b)	of this Section; changed "EPA Hazardous Waste Numbers K174, and K175" to "USEPA hazardous waste numbers K174 and K175"
728.133(b)(5)	268.33(b)(5)	Added "any of the following conditions is fulfilled"
		Changed "these wastes covered by the extension" to "those wastes covered by the extension"
728.133(c)	268.33(c)	Changed "requirements of part 268" to "requirements of this Part 728"
728.133(d)	268.33(d)	Changed "K175 wastes" to "USEPA hazardous waste numbers K175 wastes"; added a comma before "unless" to offset a parenthetical
728.133(d)(1)	268.33(d)(1)	Changed "Subtitle C" to "RCRA Subtitle C"
728.133(d)(2)	268.33(d)(2)	Changed "Subtitle C" to "RCRA Subtitle C"
728.149(d)	268.49(d)	Corrected "PCBs are not constituent" to "PCBs are not constituents"; changed "which" to "that" for a restrictive relative clause
728. Appendix C	268, Appendix III	Changed "HOCs" to "halogenated organic compounds (HOCs)" to define the abbreviation; changed "EPA" to "USEPA"; Changed "Appendix II" to "this Appendix C"; reformatted the entries of chemical names into dual columns; placed hyphenation in the appropriate location in the

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	chemical name	
	"tris(2,3-dibromopropyl)-phosphate"	
728.Table T "P039"	Added automatic hyphenation to the chemical names "1,2,3,4,6,7,8-heptachlorodibenzo-p-dioxin", "1,2,3,4,6,7,8-heptachlorodibenzofuran", "1,2,3,4,7,8,9-heptachlorodibenzo-furan", and "1,2,3,4,6,7,8,9-octachlorodibenzo-p-dioxin"	
728.Table T "K174"	Changed to singular "wastewater treatment sludge"; added automatic hyphenation to the long chemical names; removed the parentheses from chemical names and placed all abbreviated names in parentheses (five times)	
728.Table T note 12	Changed "K175 wastes that have" to singular "USEPA hazardous waste number K175 waste that has"; added "either . . . facilities"; changed the subdivision designations from Arabic numerals to lower-case letters; changed "Subtitle C" to "RCRA Subtitle C"	
728.Table U	Added automatic hyphenation to the chemical names "heptachloro-dibenzo-p-dioxin", "heptachloro-dibenzofuran", "octachloro-dibenzo-p-dioxin", and "octachlorodibenzofuran"	
728.Table U note 8	Changed "D004-D014" to "USEPA hazardous waste numbers D004 through D011"	

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Table 2:  
Board Housekeeping Amendments

Section	Source	Revision(s)
728.149(a)	Board	Changed "shall" to "must"
728.149	Board	Added a Board note to indicate the source of this provision
728.Table T Board note	Board	Updated the citation to the 2000 edition of the Code of Federal Regulations, replacing the Federal Register citation with a later update
728.Table U Board note	Board	Updated the citation to the 2000 edition of the Code of Federal Regulations, replacing the Federal Register citation with a later update

Section 22.4 of the Environmental Protection Act [415 ILCS 5/22.4] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).

- 6) Will these proposed amendments replace emergency amendments currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No. Although segments of the text of 35 Ill. Adm. Code 728 now opened for amendment include existing incorporations by reference, the present amendments do not affect those incorporations.
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of statewide policy objectives: This rulemaking imposes mandates on units of local government to the extent they may be involved in the generation, transportation, treatment, storage, or disposal of hazardous waste. These mandates are, however, identical-in-substance to mandates

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imposed by federal law.

- 11) Time, place and manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket #01-21/R01-23 (consolidated) and be addressed to:

Ms. Dorothy W. Gunn, Clerk  
Illinois Pollution Control Board  
State of Illinois Center, Suite 11-500  
100 W. Randolph St.  
Chicago, IL 60601

Address all questions to Michael J. McCambridge, at 312-814-6924. Request copies of the Board's opinion and order from 312-814-3620 or download from the Board's web site at <http://www.ipcb.state.il.us/>.

12) Initial regulatory flexibility analysis:

A) Types of small businesses, small municipalities, and not-for-profit corporations affected This rulemaking affects those small businesses, small municipalities, and not-for-profit corporations that generate, transport, treat, store, or dispose of hazardous waste. Particularly, the amendments would affect hazardous waste combustors; those generating, transporting, or managing chlorinated aliphatic production waste; and those treating PCB-containing soils considered hazardous waste because they exhibit the characteristic of toxicity due to the presence of metals.

B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of operating records.

C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist, and registered professional engineer.

- 13) Regulatory agenda on which this rulemaking was summarized: January 2001

The full text of the Proposed Amendments begins on the next page:

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TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE G: WASTE DISPOSAL  
CHAPTER 11: POLLUTION CONTROL BOARD  
SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 728

## LAND DISPOSAL RESTRICTIONS

## SUBPART A: GENERAL

Section	Purpose, Scope, and Applicability
728.101	Definitions
728.102	Dilution Prohibited as a Substitute for Treatment
728.103	Treatment Surface Impoundment Exemption
728.104	Procedures for case-by-case Extensions to an Effective Date
728.105	Petitions to Allow Land Disposal of a Waste Prohibited under Subpart C
728.106	Testing, Tracking, and Recordkeeping Requirements for Generators, Treaters, and Disposal Facilities
728.107	Landfill and Surface Impoundment Disposal Restrictions (Repealed)
728.108	Special Rules for Characteristic Wastes
728.109	

SUBPART B: SCHEDULE FOR LAND DISPOSAL PROHIBITION AND ESTABLISHMENT OF TREATMENT STANDARDS

Section	
728.110	First Third (Repealed)
728.111	Second Third (Repealed)
728.112	Third Third (Repealed)
728.113	Newly Listed Wastes
728.114	Surface Impoundment exemptions

## SUBPART C: PROHIBITION ON LAND DISPOSAL

Section	Waste Specific Prohibitions -- Wood Preserving Wastes
728.130	Waste Specific Prohibitions -- Dioxin-Containing Wastes
728.131	Waste Specific Prohibitions -- Soils Exhibiting the Toxicity Characteristic for Metals and Containing PCBs <u>California-List Wastes (Repealed)</u>
728.132	Waste - Specific Prohibitions -- Chlorinated Aliphatic <u>Organobromine Wastes (Repealed)</u>
728.133	Waste - Specific Prohibitions -- Toxicity Characteristic Metal Wastes
728.134	Waste Specific Prohibitions -- Petroleum Refining Wastes
728.135	Waste Specific Prohibitions -- Newly Listed Wastes (Repealed)
728.136	Waste Specific Prohibitions -- Ignitable and Corrosive Characteristic
728.137	Wastes Whose Treatment Standards Were Vacated



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728.138	Waste-Specific Prohibitions: Newly-Identified Organic Toxicity Characteristic Wastes and Newly-Listed Coke By-Product and Chlorobutene Production Wastes
728.139	Waste-Specific Prohibitions: Spent Aluminum Pollinors and Carbamate Wastes

## SUPPORT D: TREATMENT STANDARDS

Section	Applicability of Treatment Standards
728.140	Treatment Standards Expressed as Concentrations in Waste Extract
728.141	Treatment Standards Expressed as Specified Technologies
728.142	Treatment Standards Expressed as Waste Concentrations
728.143	Adjustment of Treatment Standard
728.144	Treatment Standards for Hazardous Debris
728.145	Alternative Treatment Standards Based on HWMR
728.146	Universal Treatment Standards
728.148	Alternative LDR Treatment Standards for Contaminated Soil
728.149	

## SUPPORT E: PROHIBITIONS ON STORAGE

Section	Prohibitions on Storage of Restricted Wastes
728.150	
APPENDIX A	Toxicity Characteristic Leaching Procedure (TCLP) (Repealed)
APPENDIX B	Treatment Standards (As concentrations in the "Treatment Residual Extract") (Repealed)
APPENDIX C	List of Halogenated Organic Compounds (Repealed)
APPENDIX D	Wastes Excluded from Lab Packs
APPENDIX E	Organic Lab Packs (Repealed)
APPENDIX F	Technologies to Achieve Deactivation of Characteristics
APPENDIX G	Federal Effective Dates
APPENDIX H	National Capacity LDR Variances for UIC Wastes
APPENDIX I	EP Toxicity Test Method and Structural Integrity Test
APPENDIX J	Recordkeeping, Notification, and Certification Requirements (Repealed)
APPENDIX K	Metal Bearing Wastes Prohibited From Dilution in a Combustion Unit According to Section 728.103(c)

TABLE A	Constituent Concentrations in Waste Extract (CCWE)
TABLE B	Constituent Concentrations in Wastes (CCW)
TABLE C	Technology Codes and Description of Technology-Based Standards
TABLE D	Technology-Based Standards by RCRA Waste Code
TABLE E	Standards for Radioactive Mixed Waste
TABLE F	Alternative Treatment Standards for Hazardous Debris
TABLE G	Alternative Treatment Standards Based on HWMR
TABLE H	Wastes Excluded from CCW Treatment Standards
TABLE I	Generator Paperwork Requirements

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TABLE T	Treatment Standards for Hazardous Wastes
TABLE U	Universal Treatment Standards (UTS)

**AUTHORITY:** Implementing Sections 7.2 and 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 22.4 and 27].

**SOURCE:** Adopted in R87-5 at 11 Ill. Reg. 19354, effective November 12, 1987; amended in R87-39 at 12 Ill. Reg. 13046, effective July 29, 1988; amended in R89-1 at 13 Ill. Reg. 18403, effective November 13, 1989; amended in R89-9 at 14 Ill. Reg. 6232, effective April 16, 1990; amended in R90-2 at 14 Ill. Reg. 14470, effective August 22, 1990; amended in R90-10 at 14 Ill. Reg. 16508, effective September 25, 1990; amended in R90-11 at 15 Ill. Reg. 9462, effective June 17, 1991; amended in R90-11 at 15 Ill. Reg. 11937, effective August 12, 1991; amendment withdrawn at 15 Ill. Reg. 14716, October 11, 1991; amended in R91-13 at 16 Ill. Reg. 9619, effective June 9, 1992; amended in R92-10 at 17 Ill. Reg. 5727, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 26622, effective November 22, 1993; amended in R94-7 at 18 Ill. Reg. 12203, effective July 29, 1994; amended in R94-17 at 18 Ill. Reg. 17563, effective November 23, 1994; amended in R95-6 at 19 Ill. Reg. 9660, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 11100, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 783, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7685, effective April 15, 1998; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17706, effective September 28, 1998; amended in R98-21/R99-2/R99-7 at 23 Ill. Reg. 1364, effective January 19, 1999; amended in R99-15 at 23 Ill. Reg. 9204, effective July 26, 1999; amended in R00-13 at 24 Ill. Reg. 9623, effective June 20, 2000; amended in R01-3 at 25 Ill. Reg. 1296, effective January 11, 2001; amended in R01-21/R01-23 at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUPPORT C: PROHIBITION ON LAND DISPOSAL

### Section 728.132 Waste Specific Prohibitions -- Soils Exhibiting the Toxicity Characteristic for Metals and Containing PCBs California-List-Wastes-(Repealed)

- The following waters are prohibited from land disposal: any volumes of soil exhibiting the toxicity characteristic solely because of the presence of metals (USEPA hazardous waste numbers D004 through D011) and containing PCBs.
- The requirements of subsection (a) of this Section do not apply if any of the following conditions is fulfilled:
  - Low-halogenated organics waste meeting Subpart D treatment standards.
  - The wastes contain halogenated organic compounds in total concentration less than 1,000 mg/kg and
  - The wastes meet the treatment standards specified in Subpart D of this part for USEPA hazardous waste numbers D004 through D011, as applicable, or

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- 2) Low-halogenated organics waste meeting alternative treatment standards for contaminated soil.
- a) The wastes contain halogenated organic compounds in total concentration less than 1,000 mg/kg, and
- b) The wastes meet the alternative treatment standards specified in Section 728.149 for contaminated soil; or
- 3) Persons have been granted an exemption from a prohibition pursuant to a petition under Section 728.106, with respect to those wastes and units covered by the petition; or
- 4) The wastes meet applicable alternative treatment standards established pursuant to a petition granted under Section 728.114.

(Source: Section repealed at 22 Ill. Reg. 17706, effective September 28, 1998; new Section adopted at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

### Section 728.133 Waste Specific Prohibitions -- Chlorinated Aliphatic Wastes ~~Organobromine Wastes (Repealed)~~

- a) The wastes specified in 35 Ill. Adm. Code 721 as USEPA hazardous wastes, numbers K174 and K175, soil and debris contaminated with these wastes, radioactive wastes mixed with these wastes, and soil and debris contaminated with radioactive wastes mixed with these wastes are prohibited from land disposal.
- b) The requirements of subsection (a) of this Section do not apply if any of the following conditions is fulfilled.

- 1) The wastes meet the applicable treatment standards specified in Subpart D of this Part;
- 2) Persons have been granted an exemption from prohibition pursuant to a petition under Section 728.106, with respect to those wastes and units covered by the petition;
- 3) The wastes meet the applicable treatment standards established pursuant to a petition granted under Section 728.144;
- 4) Hazardous debris has met the treatment standards in Section 728.140 or the alternative treatment standards in Section 728.145; or
- 5) Persons have been granted an extension to the effective date of a prohibition pursuant to Section 728.105, with respect to those wastes covered by the extension.

- c) To determine whether a hazardous waste identified in this Section exceeds the applicable treatment standards specified in Section 728.140, the initial generator must test a sample of the waste extract or the entire waste, depending on whether the treatment standards are expressed as concentration in the waste extract or the waste, or the generator may use knowledge of the waste. If the waste contains regulated constituents in excess of the applicable levels of Subpart D of this Part, the waste is prohibited from land disposal, and all requirements of this Part 728 are applicable, except as otherwise

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- d) Disposal of USEPA hazardous waste number K175 wastes that have complied with all applicable Section 728.140 treatment standards must also be macroencapsulated in accordance with Table F of this Part, unless the waste is placed in:
- 1) A RCRA Subtitle C monofill containing only K175 wastes that meet all applicable Section 728.140 treatment standards; or
- 2) A dedicated RCRA Subtitle C landfill cell in which all other wastes being co-disposed are at pH<6.0.

(Source: Section repealed at 24 Ill. Reg. 9623, effective June 20, 2000; new Section adopted at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

## SUBPART D: TREATMENT STANDARDS

### Section 728.149 Alternative LDR Treatment Standards for Contaminated Soil

- a) Applicability. An owner or operator must ~~shall~~ comply with LDRs prior to placing soil that exhibits a characteristic of hazardous waste or which exhibited a characteristic of hazardous waste at the time it was generated into a land disposal unit. The following chart describes whether an owner or operator must comply with LDRs prior to placing soil contaminated by listed hazardous waste into a land disposal unit:

If the LDRs	And if the LDRs	And if	Then the owner or operator
Applied to the listed waste when it contained the soil*.	Apply to the listed waste now.	-	Must comply with LDRs.
Did not apply to the listed waste when it contained the soil*.	Apply to the listed waste now.	The soil is determined to contain the listed waste when the soil is first generated.	Must comply with LDRs.
Did not apply to the listed waste when it contained the soil*.	Apply to the listed waste now.	The soil is determined to contain the listed waste when the soil is first generated.	Needs not comply with LDRs.

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Did not apply Do not apply to  
to the listed waste -  
waste when it now. Needs not comply  
contaminated with LDRs.  
the soil\*.

\* For dates of LDR applicability, see Appendix G of this Part. To determine the date any given listed hazardous waste contaminated any given volume of soil, use the last date any given listed hazardous waste was placed into any given land disposal unit or, in the case of an accidental spill, the date of the spill.

b) Prior to land disposal, contaminated soil identified by subsection (a) of this Section as needing to comply with LDRs must be treated according to the applicable treatment standards specified in subsection (c) of this Section or according to the universal treatment standards specified in Section 728.148 and Table U of this Part applicable to the contaminating listed hazardous waste or the applicable characteristic of hazardous waste if the soil is characteristic. The treatment standards specified in subsection (c) of this Section and the universal treatment standards may be modified through a treatment variance approved in accordance with Section 728.144.

c) Treatment standards for contaminated soils. Prior to land disposal, contaminated soil identified by subsection (a) of this Section as needing to comply with LDRs must be treated according to all the standards specified in this subsection or according to the universal treatment standards specified in Section 728.148 and Table U of this Part.

1) All soils. Prior to land disposal, all constituents subject to treatment must be treated as follows:

A) For non-metals except carbon disulfide, cyclohexanone, and methanol, treatment must achieve 90 percent reduction in total constituent concentrations, except as provided by subsection (c)(1)(C) of this Section.

B) For metals and carbon disulfide, cyclohexanone, and methanol, treatment must achieve 90 percent reduction in constituent concentrations as measured in leachate from the treated media (tested according to the TCLP) or 90 percent reduction in total constituent concentrations (when a metal removal treatment technology is used), except as provided by subsection (c)(1)(C) of this Section.

C) When treatment of any constituent subject to treatment to a 90 percent reduction standard would result in a concentration less than 10 times the universal treatment standard for that constituent, treatment to achieve constituent concentrations less than 10 times the universal treatment standard is not required. The universal treatment

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standards are identified in Table U of this Part.

2) Soils that exhibit the characteristic of ignitability, corrosivity or reactivity. In addition to the treatment required by subsection (c)(1) of this Section, prior to land disposal, soils that exhibit the characteristic of ignitability, corrosivity, or reactivity must be treated to eliminate these characteristics.

3) Soils that contain nonanalyzable constituents. In addition to the treatment requirements of subsections (c)(1) and (c)(2) of this Section, prior to land disposal, the following treatment is required for soils that contain nonanalyzable constituents:

A) For soil that contains only analyzable and nonanalyzable organic constituents, treatment of the analyzable organic constituents to the levels specified in subsections (c)(1) and (c)(2) of this Section; or

B) For soil that contains only nonanalyzable constituents, treatment by the methods specified in Section 728.142 for the waste contained in the soil.

d) Constituents subject to treatment. When applying the soil treatment standards in subsection (c) of this Section, constituents subject to treatment are any constituents listed in Table U of this Part universal treatment standards that are reasonably expected to be present in any given volume of contaminated soil, except fluoride, selenium, sulfides, vanadium, and zinc, and that are present at concentrations greater than ten times the universal treatment standard. PCBs are not constituents subject to treatment in any given volume of soil that exhibits the toxicity characteristic solely because of the presence of metals.

e) Management of treatment residuals. Treatment residuals from treating contaminated soil identified by subsection (a) of this Section as needing to comply with LDRs must be managed as follows:

1) Soil residuals are subject to the treatment standards of this Section:

2) Non-soil residuals are subject to the following requirements:

A) For soils contaminated by listed hazardous waste, the RCRA Subtitle C standards applicable to the listed hazardous waste; and

B) For soils that exhibit a characteristic of hazardous waste, if the non-soil residual also exhibits a characteristic of hazardous waste, the treatment standards applicable to the characteristic hazardous waste.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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## Section 728, APPENDIX C List of Halogenated Organic Compounds Regulated Under Section 728.132 (Repeated)

In determining the concentration of halogenated organic compounds (HOCs) in a hazardous waste for purposes of the Section 728.132 land disposal prohibition, USEPA has defined the HOCs that must be included in a calculation as any compound having a carbon-halogen bond which are listed in this Appendix (see Section 728.102). This Appendix C to Part 268 consists of the following compounds:

## I. Volatiles

1. Bromodichloromethane
2. Bromomethane
3. Carbon Tetrachloride
4. Chlorobenzene
5. 2-Chloro-1,3-butadiene
6. Chlorodibromomethane
7. Chloroethane
8. 2-Chloroethyl vinyl ether
9. Chloroform
10. Chloromethane
11. 3-Chloropropene
12. 1,2-Dibromo-3-chloropropane
13. 1,2-Dibromomethane
14. Dibromomethane
15. Trans-1,4-Dichloro-2-butene
16. Dichlorodifluoromethane
17. 1,1-Dichloroethane
18. 1,2-Dichloroethane
19. 1,1-Dichloroethylene
20. Trans-1,2-Dichloroethene
21. 1,2-Dichloropropane
22. Trans-1,3-Dichloropropene
23. Cis-1,3-Dichloropropene
24. Iodomethane
25. Methylene Chloride
26. 1,1,1,2-Tetrachloroethane
27. 1,1,2,2-Tetrachloroethane
28. Tetrachloroethene
29. Tribromomethane
30. 1,1,1-Trichloroethane
31. 1,1,2-Trichloroethane
32. Trichloroethene
33. Trichloromonofluoromethane
34. 1,2,3-Trichloropropane
35. Vinyl Chloride

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## II. Semivolatiles

1. Bis(2-chloroethoxy)ethane
2. Bis(2-chloroethyl)ether
3. Bis(2-chloroisopropyl)ether
4. p-Chloroaniline
5. Chlorobenzilate
6. p-Chloro-m-cresol
7. 2-Chloronaphthalene
8. 2-Chlorophenol
9. 3-Chloropropionitrile
10. m-Dichlorobenzene
11. o-Dichlorobenzene
12. p-Dichlorobenzene
13. 3,3'-Dichlorobenzidine
14. 2,4-Dichlorophenol
15. 2,6-Dichlorophenol
16. Hexachlorobenzene
17. Hexachlorobutadiene
18. Hexachlorocyclopentadiene
19. Hexachloroethane
20. Hexachloropropene
21. Hexachloropropene
22. 4,4'-Methylenebis(2-chloroaniline)
23. Pentachlorobenzene
24. Pentachloroethane
25. Pentachloronitrobenzene
26. Pentachlorophenol
27. Pronamide
28. 1,2,4,5-Tetrachlorobenzene
29. 2,3,4,6-Tetrachlorophenol
30. 1,2,4-Trichlorobenzene
31. 2,4,5-Trichlorophenol
32. 2,4,6-Trichlorophenol
33. Tris(2,3-dibromopropyl)phosphate

## III. Organochlorine Pesticides

1. Aldrin
2. alpha-BHC
3. beta-BHC
4. delta-BHC
5. gamma-BHC
6. Chlordane
7. DDD
8. DDE
9. DDT
10. Dieldrin



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11. Endosulfan I
12. Endosulfan II
13. Endrin
14. Endrin aldehyde
15. Heptachlor
16. Heptachlor epoxide
17. Isodrin
18. Kerone
19. Metoxychlor
20. Toxaphene

## IV. Phenoxacetic Acid Herbicides

1. 2,4-Dichlorophenoxacetic acid
2. Silvex
3. 2,4,5-T

## V. PCBs

1. Aroclor 1016
2. Aroclor 1221
3. Aroclor 1232
4. Aroclor 1242
5. Aroclor 1248
6. Aroclor 1254
7. Aroclor 1260
8. PCBs not otherwise specified

## VI. Dioxins and Furans

1. Hexachlorodibenzo-p-dioxins
2. Hexachlorodibenzofuran
3. Pentachlorodibenzo-p-dioxins
4. Pentachlorodibenzofuran
5. Tetrachlorodibenzo-p-dioxins
6. Tetrachlorodibenzofuran
7. 2,3,7,8-Tetrachlorodibenzo-p-dioxin

BOARD NOTE: Derived from 40 CFR 268, Appendix III, as added at 65 Fed. Reg. 81340 (December 26, 2000).

(Source: Section repealed at 23 Ill. Reg. 17706, effective September 28, 1998; new Section adopted at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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## Section 728. TABLE T Treatment Standards for Hazardous Wastes

Note: The treatment standards that heretofore appeared in tables in Sections 728.141, 728.142, and 728.143 have been consolidated into this table.

Waste Code	Waste Description and Treatment or Regulatory Subcategory (1)	Wastewaters	Nonwastewaters
Regulated Hazardous Constituent	CAS(2) Number	Concentration	Concentration
Common Name	in mg/Kg(5) un-	Technology	less noted as
in mg/l(3); or		Code(4)	"mg/l TCLP";
			or Technology
			Code(4)

## D001(9)

Ignitable Characteristic Wastes, except for the 35 Ill. Adm. Code 721.121(a)(1) High TOC Subcategory.

NA	NA	DEACT and meet	DEACT and meet
		Section 728.148	Section 728.148
		standards (8); or	standards (8); or
		RORGS; or	RORGS; or
		CMBST	CMBST

## D001(9)

High TOC Ignitable Characteristic Liquids Subcategory based on 35 Ill. Adm. Code 721.121(a)(1) - Greater than or equal to 10 percent total organic carbon. (Note: This subcategory consists of nonwastewaters only.)

NA	NA	RORGS; or	RORGS; or
		CMBST; or	CMBST; or
		POLYM	POLYM

## D002(9)

Corrosive Characteristic Wastes.

NA	NA	DEACT and meet	DEACT and meet
		Section	Section
		728.148	728.148
		standards(8)	standards(8)

D002, D004, D005, D006, D007, D008, D009, D010, D011  
Radioactive high level wastes generated during the reprocessing of fuel rods.  
(Note: This subcategory consists of nonwastewaters only.)

Corrosivity (pH)	NA	HVIT	HVIT
Arsenic	7440-38-2	NA	HVIT

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Barium	7440-39-3	NA	HIVIT
Cadmium	7440-43-9	NA	HIVIT
Chromium (Total)	7440-47-3	NA	HIVIT
Lead	7439-92-1	NA	HIVIT
Mercury	7439-97-6	NA	HIVIT
Selenium	7782-49-2	NA	HIVIT
Silver	7440-22-4	NA	HIVIT
D003(9)	Reactive Sulfides Subcategory based on 35 Ill. Adm. Code 721.123(a)(5).		
NA	NA	DEACT	DEACT
D003(9)	Explosive subcategory based on 35 Ill. Adm. Code 721.123(a)(6), (a)(7), and (a)(8).		
NA	NA	DEACT and meet Section 728.148 standards(8)	DEACT and meet Section 728.148 standards(8)
D003(9)	Unexploded ordnance and other explosive devices that have been the subject of an emergency response.		
NA	NA	DEACT	DEACT
D003(9)	Other Reactives Subcategory based on 35 Ill. Adm. Code 721.123(a)(1).		
NA	NA	DEACT and meet Section 728.148 standards(8)	DEACT and meet Section 728.148 standards(8)
D003(9)	Water Reactive Subcategory based on 35 Ill. Adm. Code 721.123(a)(2), (a)(3), and (a)(4).		
NA	NA	DEACT and meet Section 728.148 standards(8)	DEACT and meet Section 728.148 standards(8)
D003(9)	Reactive Cyanides Subcategory based on 35 Ill. Adm. Code 721.123(a)(5).		
Cyanides (Total)(7)	57-12-5	--	590
Cyanides (Amenable)(7)	57-12-5	0.86	30
D004(9)	Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity		

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for arsenic based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.			
Arsenic	7440-38-2	1.4 and meet Section 728.148 standards(8)	5.0 mg/l TCLP and meet Section 728.148 standards(8)
D005(9)	Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for barium based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.		
Barium	7440-39-3	1.2 and meet Section 728.148 standards(8)	21 mg/l TCLP and meet Section 728.148 standards(8)
D006(9)	Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for cadmium based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.		
Cadmium	7440-43-9	0.69 and meet Section 728.148 standards(8)	.11 mg/l TCLP and meet Section 728.148 standards(8)
D006(9)	Cadmium-Containing Batteries Subcategory (Note: This subcategory consists of nonwastewaters only.)		
Cadmium	7440-43-9	NA	RETURN
D007(9)	Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for chromium based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.		
Chromium (Total)	7440-47-3	2.77 and meet Section 728.148 standards(8)	0.60 mg/l TCLP and meet Section 728.148 standards(8)
D008(9)	Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for lead based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.		
Lead	7439-92-1	0.69 and meet Section 728.148 standards(8)	0.75 mg/l TCLP and meet Section 728.148 standards(8)

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## standards (8)

- D008(9)**  
Lead Acid Batteries Subcategory  
(Note: This standard only applies to lead acid batteries that are identified as RCRA hazardous wastes and that are not excluded elsewhere from regulation under the land disposal restrictions of this Part or exempted under other regulations (see 35 Ill. Adm. Code 726.180). This subcategory consists of nonwastewaters only.)
- |      |           |    |        |
|------|-----------|----|--------|
| Lead | 7439-92-1 | NA | RELEAD |
|------|-----------|----|--------|
- D008(9)**  
Radioactive Lead Solids Subcategory  
(Note: These lead solids include, but are not limited to, all forms of lead shielding and other elemental forms of lead. These lead solids do not include treatment residuals such as hydroxide sludges, other wastewater treatment residuals, or incinerator ashes that can undergo conventional pozzolanic stabilization, nor do they include organo-lead materials that can be incinerated and stabilized as ash. This subcategory consists of nonwastewaters only.)
- |      |           |    |       |
|------|-----------|----|-------|
| Lead | 7439-92-1 | NA | MACRO |
|------|-----------|----|-------|
- D009(9)**  
Nonwastewaters that exhibit, or are expected to exhibit, the characteristic of toxicity for mercury based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311; and contain greater than or equal to 260 mg/kg total mercury that also contain organics and are not incinerator residues. (High Mercury-Organic Subcategory)
- |         |           |    |                 |
|---------|-----------|----|-----------------|
| Mercury | 7439-97-6 | NA | IMERC; or RMERC |
|---------|-----------|----|-----------------|
- D009(9)**  
Nonwastewaters that exhibit, or are expected to exhibit, the characteristic of toxicity for mercury based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311; and contain greater than or equal to 260 mg/kg total mercury that are inorganic, including incinerator residues and residues from RMERC. (High Mercury-Inorganic Subcategory)
- |         |           |    |       |
|---------|-----------|----|-------|
| Mercury | 7439-97-6 | NA | RMERC |
|---------|-----------|----|-------|
- D009(9)**  
Nonwastewaters that exhibit, or are expected to exhibit, the characteristic of toxicity for mercury based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311; and contain less than 260 mg/kg total mercury (Low Mercury Subcategory)
- |         |           |    |                                 |
|---------|-----------|----|---------------------------------|
| Mercury | 7439-97-6 | NA | 0.20 mg/l TCLP and meet Section |
|---------|-----------|----|---------------------------------|

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## standards (8)

- D009(9)**  
All other nonwastewaters that exhibit, or are expected to exhibit, the characteristic of toxicity for mercury based in the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311; and contain less than 260 mg/kg total mercury and that are not residues from RMERC. (Low Mercury Subcategory)
- |         |           |    |  |
|---------|-----------|----|--|
| Mercury | 7439-97-6 | NA | 0.025 mg/l TCLP and meet Section 728.148 standards (8) |
|---------|-----------|----|--|
- D009(9)**  
All D009 wastewaters.
- |         |           |   |    |
|---------|-----------|---|----|
| Mercury | 7439-97-6 | 0.15 and meet Section 728.148 standards (8) | NA |
|---------|-----------|---|----|
- D009(9)**  
Elemental mercury contaminated with radioactive materials. (Note: This subcategory consists of nonwastewaters only.)
- |         |           |    |       |
|---------|-----------|----|-------|
| Mercury | 7439-97-6 | NA | AMLCM |
|---------|-----------|----|-------|
- D009(9)**  
Hydraulic oil contaminated with Mercury Radioactive Materials Subcategory. (Note: This subcategory consists of nonwastewaters only.)
- |         |           |    |       |
|---------|-----------|----|-------|
| Mercury | 7439-97-6 | NA | IMERC |
|---------|-----------|----|-------|
- D010(9)**  
Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for selenium based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.
- |          |           |      |  |
|----------|-----------|------|--|
| Selenium | 7782-49-2 | 0.82 | 5.7 mg/l TCLP and meet Section 728.148 standards (8) |
|----------|-----------|------|--|
- D011(9)**  
Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for silver based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.
- |        |           |      |   |
|--------|-----------|------|---|
| Silver | 7440-22-4 | 0.43 | 0.14 mg/l TCLP and meet Section 728.148 standards (8) |
|--------|-----------|------|---|

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- D012(9)**  
Wastes that are TC for Endrin based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.  
Endrin  
72-20-8  
BIODG; or  
CMBST  
0.13  
Section  
728.148  
standards(8)
- Endrin aldehyde  
7421-93-4  
BIODG; or  
CMBST  
0.13  
and meet  
Section  
728.148  
standards(8)
- D013(9)**  
Wastes that are TC for Lindane based on the toxicity leaching procedure (TCLP) in SW-846 Method 1311.  
alpha-BHC  
319-84-6  
CARBN; or  
CMBST  
0.066  
and meet  
Section  
728.148  
standards(8)
- beta-BHC  
319-85-7  
CARBN; or  
CMBST  
0.066  
and meet  
Section  
728.148  
standards(8)
- delta-BHC  
319-86-8  
CARBN; or  
CMBST  
0.066  
and meet  
Section  
728.148  
standards(8)
- gamma-BHC (Lindane)  
58-89-9  
CARBN; or  
CMBST  
and meet  
Section 728.148  
standards(8)
- D014(9)**  
Wastes that are TC for Methoxychlor based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.  
Methoxychlor  
72-43-5  
WETOX or  
CMBST  
0.18  
and meet  
Section  
728.148  
standards(8)
- D015(9)**  
Wastes that are TC for Toxaphene based on the toxicity characteristic leaching

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- procedure (TCLP) in SW-846 Method 1311.  
Toxaphene  
8001-35-2  
BIODG or  
CMBST  
2.6  
and meet  
Section  
728.148  
standards(8)
- D016(9)**  
Wastes that are TC for 2,4-D (2,4-Dichlorophenoxyacetic acid) based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.  
2,4-D (2,4-Dichlorophenoxyacetic acid)  
94-75-7  
CHOXD; or  
BIODG; or  
CMBST  
10  
and meet  
Section  
728.148  
standards(8)
- D017(9)**  
Wastes that are TC for 2,4,5-TP (Silvex) based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.  
2,4,5-TP (Silvex)  
93-72-1  
CHOXD or  
CMBST  
7.9  
and meet  
Section  
728.148  
standards(8)
- D018(9)**  
Wastes that are TC for Benzene based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.  
Benzene  
71-43-2  
0.14  
and meet  
Section  
728.148  
standards(8)
- D019(9)**  
Wastes that are TC for Carbon tetrachloride based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.  
Carbon tetrachloride  
56-23-5  
0.057  
and meet  
Section  
728.148  
standards(8)
- D020(9)**  
Wastes that are TC for Chlordane based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.  
Chlordane (alpha and gamma isomers)  
57-74-9  
0.0033  
and meet  
Section  
728.148  
standards(8)



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D021(9)	Section 728.148 standards(8)	Section 728.148 standards(8)
Wastes that are TC for Chlorobenzene based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311. Chlorobenzene 102-90-7	0.057 and meet Section 728.148 standards(8)	6.0 and meet Section 728.148 standards(8)
D022(9)	0.046 and meet Section 728.148 standards(8)	6.0 and meet Section 728.148 standards(8)
Wastes that are TC for Chloroform based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311. Chloroform 57-66-3	0.046 and meet Section 728.148 standards(8)	6.0 and meet Section 728.148 standards(8)
D023(9)	0.21 and meet Section 728.148 standards(8)	5.6 and meet Section 728.148 standards(8)
Wastes that are TC for o-Cresol based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311. o-Cresol 95-49-7	0.21 and meet Section 728.148 standards(8)	5.6 and meet Section 728.148 standards(8)
D024(9)	0.77 and meet Section 728.148 standards(8)	5.6 and meet Section 728.148 standards(8)
Wastes that are TC for m-Cresol based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311. m-Cresol 108-39-4	0.77 and meet Section 728.148 standards(8)	5.6 and meet Section 728.148 standards(8)
D025(9)	0.77 and meet Section 728.148 standards(8)	5.6 and meet Section 728.148 standards(8)
Wastes that are TC for p-Cresol based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311. p-Cresol 106-44-5	0.77 and meet Section 728.148 standards(8)	5.6 and meet Section 728.148 standards(8)

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D026(9)	0.88 and meet Section 728.148 standards(8)	11.2 and meet Section 728.148 standards(8)
Wastes that are TC for Cresols (Total) based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311. Cresol-mixed isomers (Cresylic acid) 1319-77-3	0.88 and meet Section 728.148 standards(8)	11.2 and meet Section 728.148 standards(8)
D027(9)	0.090 and meet Section 728.148 standards(8)	6.0 and meet Section 728.148 standards(8)
Wastes that are TC for p-Dichlorobenzene based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311. p-Dichlorobenzene (1,4- Dichlorobenzene) 106-46-7	0.090 and meet Section 728.148 standards(8)	6.0 and meet Section 728.148 standards(8)
D028(9)	0.21 and meet Section 728.148 standards(8)	6.0 and meet Section 728.148 standards(8)
Wastes that are TC for 1,2-Dichloroethane based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311. 1,2-Dichloroethane 107-06-2	0.21 and meet Section 728.148 standards(8)	6.0 and meet Section 728.148 standards(8)
D029(9)	0.025 and meet Section 728.148 standards(8)	6.0 and meet Section 728.148 standards(8)
Wastes that are TC for 1,1-Dichloroethylene based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311. 1,1-Dichloroethylene 75-35-4	0.025 and meet Section 728.148 standards(8)	6.0 and meet Section 728.148 standards(8)
D030(9)	0.32 and meet Section 728.148 standards(8)	140 and meet Section 728.148 standards(8)
Wastes that are TC for 2,4-Dinitrotoluene based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311. 2,4-Dinitrotoluene 121-14-2	0.32 and meet Section 728.148 standards(8)	140 and meet Section 728.148 standards(8)
D031(9)		
Wastes that are TC for Heptachlor based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.		

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Heptachlor	76-44-8	0.0012 and meet Section 728.148 standards(8)	0.066 and meet Section 728.148 standards(8)
Heptachlor epoxide	1024-57-3	0.016 and meet Section 728.148 standards(8)	0.066 and meet Section 728.148 standards(8)
D032(9) Wastes that are TC for Hexachlorobenzene based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311. Hexachlorobenzene	118-74-1	0.055 and meet Section 728.148 standards(8)	10 and meet Section 728.148 standards(8)
D033(9) Wastes that are TC for Hexachlorobutadiene based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311. Hexachlorobutadiene	87-68-3	0.055 and meet Section 728.148 standards(8)	5.6 and meet Section 728.148 standards(8)
D034(9) Wastes that are TC for Hexachloroethane based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311. Hexachloroethane	67-72-1	0.055 and meet Section 728.148 standards(8)	30 and meet Section 728.148 standards(8)
D035(9) Wastes that are TC for Methyl ethyl ketone based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311. Methyl ethyl ketone	78-93-3	0.28 and meet Section 728.148 standards(8)	36 and meet Section 728.148 standards(8)
D036(9) Wastes that are TC for Nitrobenzene based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.			

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Nitrobenzene	98-95-3	0.068 and meet Section 728.148 standards(8)	14 and meet Section 728.148 standards(8)
D037(9) Wastes that are TC for Pentachlorophenol based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311. Pentachlorophenol	87-86-5	0.089 and meet Section 728.148 standards(8)	7.4 and meet Section 728.148 standards(8)
D038(9) Wastes that are TC for Pyridine based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311. Pyridine	110-86-1	0.014 and meet Section 728.148 standards(8)	16 and meet Section 728.148 standards(8)
D039(9) Wastes that are TC for Tetrachloroethylene based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311. Tetrachloroethylene	127-18-4	0.056 and meet Section 728.148 standards(8)	6.0 and meet Section 728.148 standards(8)
D040(9) Wastes that are TC for Trichloroethylene based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311. Trichloroethylene	79-01-6	0.054 and meet Section 728.148 standards(8)	6.0 and meet Section 728.148 standards(8)
D041(9) Wastes that are TC for 2,4,5-Trichlorophenol based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311. 2,4,5-Trichlorophenol	95-95-4	0.18 and meet Section 728.148 standards(8)	7.4 and meet Section 728.148 standards(8)

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D042(9) Wastes that are TC for 2,4,6-Trichlorophenol based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311. 2,4,6-Trichlorophenol 88-06-2	728.148 standards(8)	728.148 standards(8)	0.035 and meet Section 728.148 standards(8)	7.4 and meet Section 728.148 standards(8)	0.035 and meet Section 728.148 standards(8)	0.035 and meet Section 728.148 standards(8)
D043(9) Wastes that are TC for Vinyl chloride based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311. Vinyl chloride 75-01-4	0.27 and meet Section 728.148 standards(8)	6.0 and meet Section 728.148 standards(8)	0.27 and meet Section 728.148 standards(8)	6.0 and meet Section 728.148 standards(8)	0.27 and meet Section 728.148 standards(8)	6.0 and meet Section 728.148 standards(8)
F001, F002, F003, F004, & F005 one or more of the following spent solvents: acetone, benzene, n-butyl alcohol, carbon disulfide, carbon tetrachloride, chlorinated fluorocarbons, chlorobenzene, o-cresol, m-cresol, p-cresol, cyclohexanone, o-dichlorobenzene, 2-ethoxyethanol, ethyl acetate, ethyl benzene, ethyl ether, isobutyl alcohol, methanol, methylene chloride, methyl ethyl ketone, methyl isobutyl ketone, nitrobenzene, 2-nitropropane, pyridine, tetrahydrofuran, toluene, 1,1,1-trichloroethane, 1,1,2-trichloroethane, 1,1,2-trichloroethane, 1,1,2-trichloroethane, trichloroethylene, trichloromono-fluoroethane, or xylenes (except as specifically noted in other subcategories). See further details of these listings in 35 Ill. Adm. Code 721.131	Acetone 67-64-1 Benzene 71-43-2 n-Butyl alcohol 71-36-3 Carbon disulfide 75-15-0 Carbon tetrachloride 56-23-5 Chlorobenzene 108-90-7 o-Cresol 95-48-7 m-Cresol 108-39-4 (difficult to distinguish from p-cresol) p-Cresol 105-65-3 (difficult to distinguish from m-cresol)	16.0 0.28 10 5.6 2.6 3.8 NA 0.057 6.0 0.057 0.11 0.77	16.0 0.28 10 5.6 2.6 3.8 NA 0.057 6.0 0.057 0.11 0.77	16.0 0.28 10 5.6 2.6 3.8 NA 0.057 6.0 0.057 0.11 0.77	16.0 0.28 10 5.6 2.6 3.8 NA 0.057 6.0 0.057 0.11 0.77	16.0 0.28 10 5.6 2.6 3.8 NA 0.057 6.0 0.057 0.11 0.77

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Cresol-mixed isomers (Cresylic acid) (sum of o-, m-, and p-cresol concentrations)	1319-77-3	0.88	11.2
Cyclohexanone	108-94-1	0.36	NA
o-Dichlorobenzene	95-50-1	0.088	6.0
Ethyl acetate	141-78-6	0.34	33
Ethyl benzene	100-41-4	0.057	10
Ethyl ether	60-29-7	0.12	160
Isobutyl alcohol	78-83-1	5.6	170
Methanol	67-56-1	5.6	NA
Methylene chloride	75-9-2	0.089	30
Methyl ethyl ketone	78-93-3	0.28	36
Methyl isobutyl ketone	108-10-1	0.14	33
Nitrobenzene	98-95-3	0.068	14
Pyridine	110-86-1	0.014	16
Tetrahydrofuran	127-18-4	0.056	6.0
Toluene	108-88-3	0.080	10
1,1,1-Trichloroethane	71-55-6	0.054	6.0
1,1,2-Trichloroethane	79-00-5	0.054	6.0
1,1,2-Trichloro-1,2,2-trifluoroethane	76-13-1	0.057	30
Trichloroethylene	79-01-6	0.054	6.0
Trichloromono-fluoro-methane	75-69-4	0.020	30
Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
F001, F002, F003, F004 & F005 F003 and F005 solvent wastes that contain any combination of one or more of the following three solvents as the only listed F001 through F005 solvents: carbon disulfide, cyclohexanone, or methanol. (Formerly Section 728.141(c))	Carbon disulfide 75-15-0 Cyclohexanone 108-94-1 Methanol 67-56-1	3.8 0.36 5.6	4.8 mg/l TCLP 0.75 mg/l TCLP 0.75 mg/l TCLP
F001, F002, F003, F004 & F005 F005 solvent waste containing 2-Nitropropane as the only listed F001 through F005 solvent.	2-Nitropropane 79-46-9	(WETOX or CHOXD) fb CARBN; or CMBS	CMBS
F001, F002, F003, F004 & F005 F005 solvent waste containing 2-Ethoxyethanol as the only listed F001 through			

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F005 solvent. 2-ethoxyethanol	110-80-5	BIDOG; or CMBST	CMBST
F006			
Wastewater treatment sludges from electroplating operations except from the following processes: (1) Sulfuric acid anodizing of aluminum; (2) tin plating on carbon steel; (3) zinc plating (segregated basis) on carbon steel; (4) aluminum or zinc-aluminum plating on carbon steel; (5) cleaning or stripping associated with tin, zinc, and aluminum plating on carbon steel; and (6) chemical etching and milling of aluminum.			
Cadmium	7440-43-9	0.69	0.11 mg/l TCLP
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Cyanides (Total)(7)	57-12-5	1.2	590
Cyanides (Amenable)(7)	57-12-5	0.86	30
Lead	7439-92-1	0.69	0.75 mg/l TCLP
Nickel	7440-02-0	3.98	11 mg/l TCLP
Silver	7440-22-4	NA	0.14 mg/l TCLP
F007			
Spent cyanide plating bath solutions from electroplating operations.			
Cadmium	7440-43-9	NA	0.11 mg/l TCLP
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Cyanides (Total)(7)	57-12-5	1.2	590
Cyanides (Amenable)(7)	57-12-5	0.86	30
Lead	7439-92-1	0.69	0.75 mg/l TCLP
Nickel	7440-02-0	3.98	11 mg/l TCLP
Silver	7440-22-4	NA	0.14 mg/l TCLP
F008			
Plating bath residues from the bottom of plating baths from electroplating operations where cyanides are used in the process.			
Cadmium	7440-43-9	NA	0.11 mg/l TCLP
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Cyanides (Total)(7)	57-12-5	1.2	590
Cyanides (Amenable)(7)	57-12-5	0.86	30
Lead	7439-92-1	0.69	0.75 mg/l TCLP
Nickel	7440-02-0	3.98	11 mg/l TCLP
Silver	7440-22-4	NA	0.14 mg/l TCLP
F009			
Spent stripping and cleaning bath solutions from electroplating operations where cyanides are used in the process.			
Cadmium	7440-43-9	NA	0.11 mg/l TCLP
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Cyanides (Total)(7)	57-12-5	1.2	590
Cyanides (Amenable)(7)	57-12-5	0.86	30
Lead	7439-92-1	0.69	0.75 mg/l TCLP

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Nickel	7440-02-0	3.98			11 mg/l TCLP
Silver	7440-22-4	NA			0.14 mg/l TCLP
F010					
Quenching bath residues from oil baths from metal heat treating operations where cyanides are used in the process.					
Cyanides (Total)(7)	57-12-5	1.2	590		
Cyanides (Amenable)(7)	57-12-5	0.86	NA		
F011					
Spent cyanide solutions from salt bath pot cleaning from metal heat treating operations.					
Cadmium	7440-43-9	NA			0.11 mg/l TCLP
Chromium (Total)	7440-47-3	2.77			0.60 mg/l TCLP
Cyanides (Total)(7)	57-12-5	1.2	590		
Cyanides (Amenable)(7)	57-12-5	0.86	30		
Lead	7439-92-1	0.69			0.75 mg/l TCLP
Nickel	7440-02-0	3.98			11 mg/l TCLP
Silver	7440-22-4	NA			0.14 mg/l TCLP
F012					
Quenching wastewater treatment sludges from metal heat treating operations where cyanides are used in the process.					
Cadmium	7440-43-9	NA			0.11 mg/l TCLP
Chromium (Total)	7440-47-3	2.77			0.60 mg/l TCLP
Cyanides (Total)(7)	57-12-5	1.2	590		
Cyanides (Amenable)(7)	57-12-5	0.86	30		
Lead	7439-92-1	0.69			0.75 mg/l TCLP
Nickel	7440-02-0	3.98			11 mg/l TCLP
Silver	7440-22-4	NA			0.14 mg/l TCLP
F019					
Wastewater treatment sludges from the chemical conversion coating of aluminum except from zirconium phosphating in aluminum can washing when such phosphating is an exclusive conversion coating process.					
Chromium (Total)	7440-47-3	2.77			0.60 mg/l TCLP
Cyanides (Total)(7)	57-12-5	1.2	590		
Cyanides (Amenable)(7)	57-12-5	0.86	30		
Lead	7439-92-1	0.69			0.75 mg/l TCLP
Nickel	7440-02-0	3.98			11 mg/l TCLP
Silver	7440-22-4	NA			0.14 mg/l TCLP
F019					
Wastewater treatment sludges from the chemical conversion coating of aluminum except from zirconium phosphating in aluminum can washing when such phosphating is an exclusive conversion coating process.					
Chromium (Total)	7440-47-3	2.77			0.60 mg/l TCLP
Cyanides (Total)(7)	57-12-5	1.2	590		
Cyanides (Amenable)(7)	57-12-5	0.86	30		
Lead	7439-92-1	0.69			0.75 mg/l TCLP
Nickel	7440-02-0	3.98			11 mg/l TCLP
Silver	7440-22-4	NA			0.14 mg/l TCLP
F019					
Wastewater treatment sludges from the chemical conversion coating of aluminum except from zirconium phosphating in aluminum can washing when such phosphating is an exclusive conversion coating process.					
Chromium (Total)	7440-47-3	2.77			0.60 mg/l TCLP
Cyanides (Total)(7)	57-12-5	1.2	590		
Cyanides (Amenable)(7)	57-12-5	0.86	30		
Lead	7439-92-1	0.69			0.75 mg/l TCLP
Nickel	7440-02-0	3.98			11 mg/l TCLP
Silver	7440-22-4	NA			0.14 mg/l TCLP
F019					
Wastewater treatment sludges from the chemical conversion coating of aluminum except from zirconium phosphating in aluminum can washing when such phosphating is an exclusive conversion coating process.					
Chromium (Total)	7440-47-3	2.77			0.60 mg/l TCLP
Cyanides (Total)(7)	57-12-5	1.2	590		
Cyanides (Amenable)(7)	57-12-5	0.86	30		
Lead	7439-92-1	0.69			0.75 mg/l TCLP
Nickel	7440-02-0	3.98			11 mg/l TCLP
Silver	7440-22-4	NA			0.14 mg/l TCLP
F019					
Wastewater treatment sludges from the chemical conversion coating of aluminum except from zirconium phosphating in aluminum can washing when such phosphating is an exclusive conversion coating process.					
Chromium (Total)	7440-47-3	2.77			0.60 mg/l TCLP
Cyanides (Total)(7)	57-12-5	1.2	590		
Cyanides (Amenable)(7)	57-12-5	0.86	30		
Lead	7439-92-1	0.69			0.75 mg/l TCLP
Nickel	7440-02-0	3.98			11 mg/l TCLP
Silver	7440-22-4	NA			0.14 mg/l TCLP
F019					
Wastewater treatment sludges from the chemical conversion coating of aluminum except from zirconium phosphating in aluminum can washing when such phosphating is an exclusive conversion coating process.					
Chromium (Total)	7440-47-3	2.77			0.60 mg/l TCLP
Cyanides (Total)(7)	57-12-5	1.2	590		
Cyanides (Amenable)(7)	57-12-5	0.86	30		
Lead	7439-92-1	0.69			0.75 mg/l TCLP
Nickel	7440-02-0	3.98			11 mg/l TCLP
Silver	7440-22-4	NA			0.14 mg/l TCLP
F019					
Wastewater treatment sludges from the chemical conversion coating of aluminum except from zirconium phosphating in aluminum can washing when such phosphating is an exclusive conversion coating process.					
Chromium (Total)	7440-47-3	2.77			0.60 mg/l TCLP
Cyanides (Total)(7)	57-12-5	1.2	590		
Cyanides (Amenable)(7)	57-12-5	0.86	30		
Lead	7439-92-1	0.69			0.75 mg/l TCLP
Nickel	7440-02-0	3.98			11 mg/l TCLP
Silver	7440-22-4	NA			0.14 mg/l TCLP
F019					
Wastewater treatment sludges from the chemical conversion coating of aluminum except from zirconium phosphating in aluminum can washing when such phosphating is an exclusive conversion coating process.					
Chromium (Total)	7440-47-3	2.77			0.60 mg/l TCLP
Cyanides (Total)(7)	57-12-5	1.2	590		
Cyanides (Amenable)(7)	57-12-5	0.86	30		
Lead	7439-92-1	0.69			0.75 mg/l TCLP
Nickel	7440-02-0	3.98			11 mg/l TCLP
Silver	7440-22-4	NA			0.14 mg/l TCLP
F019					
Wastewater treatment sludges from the chemical conversion coating of aluminum except from zirconium phosphating in aluminum can washing when such phosphating is an exclusive conversion coating process.					
Chromium (Total)	7440-47-3	2.77			0.60 mg/l TCLP
Cyanides (Total)(7)	57-12-5	1.2	590		
Cyanides (Amenable)(7)	57-12-5	0.86	30		
Lead	7439-92-1	0.69			0.75 mg/l TCLP
Nickel	7440-02-0	3.98			11 mg/l TCLP
Silver	7440-22-4	NA			0.14 mg/l TCLP
F019					
Wastewater treatment sludges from the chemical conversion coating of aluminum except from zirconium phosphating in aluminum can washing when such phosphating is an exclusive conversion coating process.					
Chromium (Total)	7440-47-3	2.77			0.60 mg/l TCLP
Cyanides (Total)(7)	57-12-5	1.2	590		
Cyanides (Amenable)(7)	57-12-5	0.86	30		
Lead	7439-92-1	0.69			0.75 mg/l TCLP
Nickel	7440-02-0	3.98			11 mg/l TCLP
Silver	7440-22-4	NA			0.14 mg/l TCLP
F019					
Wastewater treatment sludges from the chemical conversion coating of aluminum except from zirconium phosphating in aluminum can washing when such phosphating is an exclusive conversion coating process.					
Chromium (Total)	7440-47-3	2.77			0.60 mg/l TCLP
Cyanides (Total)(7)	57-12-5	1.2	590		
Cyanides (Amenable)(7)	57-12-5	0.86	30		
Lead	7439-92-1	0.69			0.75 mg/l TCLP
Nickel	7440-02-0	3.98			11 mg/l TCLP
Silver	7440-22-4	NA			0.14 mg/l TCLP
F019					
Wastewater treatment sludges from the chemical conversion coating of aluminum except from zirconium phosphating in aluminum can washing when such phosphating is an exclusive conversion coating process.					
Chromium (Total)	7440-47-3	2.77			0.60 mg/l TCLP
Cyanides (Total)(7)	57-12-5	1.2	590		
Cyanides (Amenable)(7)	57-12-5	0.86	30		
Lead	7439-92-1	0.69			0.75 mg/l TCLP
Nickel	7440-02-0	3.98			11 mg/l TCLP
Silver	7440-22-4	NA			0.14 mg/l TCLP
F019					
Wastewater treatment sludges from the chemical conversion coating of aluminum except from zirconium phosphating in aluminum can washing when such phosphating is an exclusive conversion coating process.					
Chromium (Total)	7440-47-3	2.77			0.60 mg/l TCLP
Cyanides (Total)(7)	57-12-5	1.2	590		
Cyanides (Amenable)(7)	57-12-5	0.86	30		
Lead	7439-92-1	0.69			0.75 mg/l TCLP
Nickel	7440-02-0	3.98			11 mg/l TCLP
Silver	7440-22-4	NA			0.14 mg/l TCLP
F019					
Wastewater treatment sludges from the chemical conversion coating of aluminum except from zirconium phosphating in aluminum can washing when such phosphating is an exclusive conversion coating process.					
Chromium (Total)	7440-47-3	2.77			0.60 mg/l TCLP
Cyanides (Total)(7)	57-12-5	1.2	590		
Cyanides (Amenable)(7)	57-12-5	0.86	30		
Lead	7439-92-1	0.69			0.75 mg/l TCLP
Nickel	7440-02-0	3.98			11 mg/l TCLP
Silver	7440-22-4	NA			0.14 mg/l TCLP
F019					
Wastewater treatment sludges from the chemical conversion coating of aluminum except from zirconium phosphating in aluminum can washing when such phosphating is an exclusive conversion coating process.					
Chromium (Total)	7440-47-3	2.77			0.60 mg/l TCLP
Cyanides (Total)(7)	57-12-5	1.2	590		
Cyanides (Amenable)(7)	57-12-5	0.86	30		
Lead	7439-92-1	0.69			0.75 mg/l TCLP
Nickel	7440-02-0	3.98			11 mg/l TCLP
Silver	7440-22-4	NA			0.14 mg/l TCLP
F019					
Wastewater treatment sludges from the chemical conversion coating of aluminum except from zirconium phosphating in aluminum can washing when such phosphating is an exclusive conversion coating process.					
Chromium (Total)	7440-47-3	2.77			0.60 mg/l TCLP
Cyanides (Total)(7)	57-12-5	1.2	590		
Cyanides (Amenable)(7)	57-12-5	0.86	30		
Lead	7439-92-1	0.69			0.75 mg/l TCLP
Nickel	7440-02-0	3.98			11 mg/l TCLP
Silver	7440-22-4	NA			0.14 mg/l TCLP
F019					
Wastewater treatment sludges from the chemical conversion coating of aluminum except from zirconium phosphating in aluminum can washing when such phosphating is an exclusive conversion coating process.					
Chromium (Total)	7440-47-3	2.77			0.60 mg/l TCLP
Cyanides (Total)(7)	57-12-5	1.2	590		
Cyanides (Amenable)(7)	57-12-5	0.86	30		
Lead	7439-92-1	0.69			0.75 mg/l TCLP
Nickel	7440-02-0	3.98			11 mg/l TCLP
Silver	7440-22-4	NA			0.14 mg/l TCLP
F019					
Wastewater treatment sludges from the chemical conversion coating of aluminum except from zirconium phosphating in aluminum can washing when such phosphating is an exclusive conversion coating process.					
Chromium (Total)	7440-47-3	2.77			0.60 mg/l TCLP
Cyanides (Total)(7)	57-12-5	1.2	590		
Cyanides (Amenable)(7)	57-12-5	0.86	30		
Lead	7439-92-1	0.69			0.75 mg/l TCLP
Nickel	7440-02-0	3.98			11 mg/l TCLP
Silver	7440-22-4	NA			0.14 mg/l TCLP
F019					
Wastewater treatment sludges from the chemical conversion coating of aluminum except from zirconium phosphating in aluminum can washing when such phosphating is an exclusive conversion coating process.					
Chromium (Total)	7440-47-3	2.77			0.60 mg/l TCLP
Cyanides (Total)(7)	57-12-5	1.2	590		
Cyanides (Amenable)(7)	57-12-5	0.86	30		
Lead	7439-92-1	0.69			0.75 mg/l TCLP
Nickel	7440-02-0	3.98			11 mg/l TCLP
Silver	7440-22-4	NA			0.14 mg/l TCLP
F019					
Wastewater treatment sludges from the chemical conversion coating of aluminum except from zirconium phosphating in aluminum can washing when such phosphating is an exclusive conversion coating process.					
Chromium (Total)	7440-47-3	2.77			0.60 mg/l TCLP
Cyanides (Total)(7)	57-12-5	1.2	590		
Cyanides (Amenable)(7)	57-12-5	0.86	30		
Lead	7439-92-1	0.69			0.75 mg/l TCLP
Nickel	7440-02-0	3.98			11 mg/l TCLP
Silver	7440-22-4	NA			0.14 mg/l TCLP
F019					
Wastewater treatment sludges from the chemical conversion coating of aluminum except from zirconium phosphating in aluminum can washing when such phosphating is an exclusive conversion coating process.					
Chromium (Total)	7440-47-3	2.77			0.60 mg/l TCLP
Cyanides (Total)(7)	57-12-5	1.2	590		
Cyanides (Amenable)(7)	57-12-5	0.86	30		
Lead	7439-92-1	0.69			0.75 mg/l TCLP
Nickel	7440-02-0	3.98			11 mg/l TCLP
Silver	7440-22-4	NA			0.14 mg/l TCLP
F019					
Wastewater treatment sludges from the chemical conversion coating of aluminum except from zirconium phosphating in aluminum can washing when such phosphating is an exclusive conversion coating process.					
Chromium (Total)	7440-47-3	2.77			0.60 mg/l TCLP
Cyanides (Total)(7)	57-12-5	1.2	590		
Cyanides (Amenable)(7)	57-12-5	0.86	30		
Lead	7439-92-1	0.69			0.75 mg/l TCLP
Nickel	7440-02-0	3.98			11 mg/l TCLP
Silver	7440-22-4	NA			0.14 mg/l TCLP
F019					
Wastewater treatment sludges from the chemical conversion coating of aluminum except from zirconium phosphating in aluminum can washing when such phosphating is an exclusive conversion coating process.					
Chromium (Total)	7440-47-3	2.77			0.60 mg/l TCLP
Cyanides (Total)(7)	57-12-5	1.2	590		
Cyanides (Amenable)(7)	57-12-5	0.86	30		
Lead	7439-92-1	0.69			0.75 mg/l TCLP
Nickel	7440-02-0	3.98			11 mg/l TCLP
Silver	7440-22-4	NA			0.14 mg/l TCLP
F019					
Wastewater treatment sludges from the chemical conversion coating of aluminum except from zirconium phosphating in aluminum can washing when such phosphating is an exclusive conversion coating process.					
Chromium (Total)	7440-47-3	2.77			0.60 mg/l TCLP
Cyanides (Total)(7)	57-12-5	1.2	590		
Cyanides (Amenable)(7)	57-12-5	0.86	30		
Lead	7439-92-1	0.69			0.75 mg/l TCLP
Nickel	7440-02-0	3.98			11 mg/l TCLP
Silver	7440-22-4	NA			0.14 mg/l TCLP
F019					
Wastewater treatment sludges from the chemical conversion coating of aluminum except from zirconium phosphating in aluminum can washing when such phosphating is an exclusive conversion coating process.					
Chromium (Total)	7440-47-3	2.77			0.60 mg/l TCLP
Cyanides (Total)(7)	57-12-5	1.2	590		
Cyanides (Amenable)(7)	57-12-5	0.86	30		
Lead	7439-92-1	0.69			0.75 mg/l TCLP
Nickel	7440-02-0	3.98			11 mg/l TCLP
Silver	7440-22-4	NA			0.14 mg/l TCLP
F019					
Wastewater treatment sludges from the chemical conversion coating of aluminum except from zirconium phosphating in aluminum can washing when such phosphating is an exclusive conversion coating process.					
Chromium (Total)	7440-47-3	2.77			0.60 mg/l TCLP
Cyanides (Total)(7)	57-12-5	1.2	590		
Cyanides (Amenable)(7)	57-12-5	0.86	30		
Lead	7439-92-1	0.69			0.75 mg/l TCLP
Nickel	7440-02-0	3.98			11 mg/l TCLP
Silver	7440-22-4	NA			0.14 mg/l TCLP
F019					
Wastewater treatment sludges from the chemical conversion coating of aluminum except from zirconium phosphating in aluminum can washing when such phosphating is an exclusive conversion coating process.					
Chromium (Total)	7440-47-3	2.77			0.60 mg/l TCLP
Cyanides (Total)(7)	57-12-5	1.2	590		
Cyanides (Amenable)(7)	57-12-5	0.86	30		
Lead	7439-92-1	0.69			0.75 mg/l TCLP
Nickel	7440-02-0	3.98			11 mg/l TCLP
Silver	7440-22-4	NA			0.14 mg/l TCLP
F019					
Wastewater treatment sludges from the chemical conversion coating of aluminum except from zirconium phosphating in aluminum can washing when such phosphating is an exclusive conversion coating process.					
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Cyanides (Total)(7)	57-12-5	1.2	590		
Cyanides (Amenable)(7)	57-12-5	0.86	30		
Lead	7439-92-1	0.69			0.75 mg/l TCLP
Nickel	7440-02-0	3.98			11 mg/l TCLP
Silver	7440-22-4	NA			0.14 mg/l TCLP
F019					
Wastewater treatment sludges from the chemical conversion coating of aluminum except from zirconium phosphating in aluminum can washing when such phosphating is an exclusive conversion coating process.					
Chromium (Total)	7440-47-3	2.77			0.60 mg/l TCLP
Cyanides (Total)(7)	57-12-5	1.2	590		
Cyanides (Amenable)(7)	57-12-5	0.86	30		
Lead	7439-92-1	0.69			0.75 mg/l TCLP
Nickel	7440-02-0	3.98			11 mg/l TCLP
Silver	7440-22-4	NA			0.14 mg/l TCLP
F019					
Wastewater treatment sludges from the chemical conversion coating of aluminum except from zirconium phosphating in aluminum can washing when such phosphating is an exclusive conversion coating process.					
Chromium (Total)	7440-47-3	2.77			0.60 mg/l TCLP
Cyanides (Total)(7)	57-12-5	1.2	590		
Cyanides (Amenable)(7)	57-12-5	0.86	30		



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wastewater and spent carbon from hydrogen chloride purification) from the production of materials on equipment previously used for the production or manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of: (1) tri- or tetrachlorophenols, excluding wastes from equipment used only for the production of hexachlorophene from highly purified 2,4,5-trichlorophenol (F023) or (2) tetra-, penta-, or hexachlorobenzenes under alkaline conditions (i.e., F026).

HexCDs (All Hexachloro- dibenzo-p-dioxins)	NA	0.00063	0.001
HexCDFs (All Hexachloro- dibenzofurans)	NA	0.00063	0.001
PecDDs (All Penta- chloro-dibenzo-p-dioxins)	NA	0.00063	0.001
PecDFs (All Pentachloro- dibenzofurans)	NA	0.00035	0.001
Pentachlorophenol	87-86-5	0.089	7.4
TCDDs (All Tetrachloro- dibenzo-p-dioxins)	NA	0.00063	0.001
TCDFs (All Tetrachloro- dibenzofurans)	NA	0.00063	0.001
2,4,5-Trichlorophenol	95-95-4	0.18	7.4
2,4,6-Trichlorophenol	88-06-2	0.035	7.4
2,3,4,6-Tetrachloro- phenol	58-90-2	0.030	7.4

F024 Process wastes, including but not limited to, distillation residues, heavy ends, tars, and reactor clean-out wastes, from the production of certain chlorinated aliphatic hydrocarbons by free radical catalyzed processes. These chlorinated aliphatic hydrocarbons are those having carbon chain lengths ranging from one to and including five, with varying amounts and positions of chlorine substitution. (This listing does not include wastewaters, wastewater treatment sludges, spent catalysts, and wastes listed in 35 Ill. Adm. Code 721.131 or 721.132.)

NA	CMWST(11)	CMWST(11)
All F024 wastes	NA	0.28
2-Chloro-1,3-butadiene	126-99-8	0.057
3-Chloropropylene	107-05-1	0.036
1,1-Dichloroethane	75-34-3	0.059
1,2-Dichloroethane	107-06-2	6.0
1,2-Dichloropropane	78-87-5	0.85
cis-1,3-Dichloro- propylene	10061-01-5	0.036
trans-1,3-Dichloro- propylene	10061-02-6	0.036
bis(2-Ethylhexyl)- phthalate	117-81-7	0.28
Hexachloroethane	67-72-1	0.055

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Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Nickel	7440-02-0	3.98	11 mg/l TCLP

## F025

Condensed light ends from the production of certain chlorinated aliphatic hydrocarbons by free radical catalyzed processes. These chlorinated aliphatic hydrocarbons are those having carbon chain lengths ranging from one up to and including five, with varying amounts and positions of chlorine substitution.

F025--Light Ends Subcategory:			
Carbon tetrachloride	56-23-5	0.057	6.0
Chloroform	67-66-3	0.046	6.0
1,2-Dichloroethane	107-06-2	0.21	6.0
1,1,2-Trichloroethane	75-35-4	0.025	6.0
Methylene chloride	75-9-2	0.089	30
1,1,2-Trichloroethane	79-00-5	0.054	6.0
Trichloroethylene	79-01-6	0.054	6.0
Vinyl chloride	75-01-4	0.27	6.0

## F025

Spent filters and filter aids, and spent desiccant wastes from the production of certain chlorinated aliphatic hydrocarbons by free radical catalyzed processes. These chlorinated aliphatic hydrocarbons are those having carbon chain lengths ranging from one to and including five, with varying amounts and positions of chlorine substitution. F025--Spent Filters/Aids and Desiccants Subcategory.

Carbon tetrachloride	56-23-5	0.057	6.0
Chloroform	67-66-3	0.046	6.0
Hexachlorobenzene	118-74-1	0.055	10
Hexachlorobutadiene	87-68-3	0.055	5.6
Hexachloroethane	67-72-1	0.055	10
Methylene chloride	75-9-2	0.089	30
1,1,2-Trichloroethane	79-00-5	0.054	6.0
Trichloroethylene	79-01-6	0.054	6.0
Vinyl chloride	75-01-4	0.27	6.0

## F027

Discarded unused formulations containing tri-, tetra-, or pentachlorophenol or discarded unused formulations containing compounds derived from these chlorophenols. (This listing does not include formulations containing hexachlorophene synthesized from prepurified 2,4,5-trichlorophenol as the sole component.)

HexCDs (All Hexachloro- dibenzo-p-dioxins)	NA	0.00063	0.001
HexCDFs (All Hexachloro- dibenzofurans)	NA	0.00063	0.001
PecDDs (All Pentachloro- dibenzo-p-dioxins)	NA	0.00063	0.001
PecDFs (All Pentachloro- dibenzofurans)	NA	0.00035	0.001

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cene	56-55-3	0.059	3.4
Benzo(b)fluor- anthene	205-99-2	0.11	6.8
(difficult to distinguish from benzo(k)- fluoranthene)			
Benzo(k)fluor- anthene	207-08-9	0.11	6.8
(difficult to distinguish from benzo(b)- fluoranthene)			
Benzo(a)py- rene	50-32-8	0.061	3.4
Chrysene	218-01-9	0.059	3.4
Dibenz(a,h)- anthracene	53-70-3	0.055	8.2
2-4-Dimethyl phenol	105-67-9	0.036	1.4
Fluorene	86-73-7	0.059	3.4
Hexachlorodibenzo- p-dioxins	NA	0.000063 or CMBST(11)	0.001 or CMBST(11)
Hexachloro- dibenzofuran-	NA	0.000063 or CMBST(11)	0.001 or CMBST(11)
Indeno (1,2,3- c,d) Pyrene	193-39-5	0.0055	3.4
Naphthalene	91-20-3	0.059	5.6
Pentachloro- dibenzo-p- dioxins	NA	0.000063 or CMBST(11)	0.001 or CMBST(11)
Pentachloro- dibenzofurans	NA	0.000063 or CMBST(11)	0.001 or CMBST(11)
Phenol	87-86-5	0.089	7.4
Phenanthrene	85-01-8	0.059	5.6
Phenol	108-95-2	0.039	6.2
Pyrene	129-00-0	0.067	8.2
Tetrachloro- dibenzo-p- dioxins	NA	0.000063 or CMBST(11)	0.001 or CMBST(11)
Tetrachloro- dibenzo- furans	NA	0.000063 or CMBST(11)	0.001 or CMBST(11)
2,3,4,6-Tetra- chlorophenol	58-90-2	0.030	7.4

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dibenzofurans)	87-86-5	0.089	7.4
Pentachlorophenol	NA	0.000063	0.001
TCDDs (All Tetrachloro- dibenzo-p-dioxins)	NA	0.000063	0.001
TCDFs (All Tetrachloro- dibenzofurans)	NA	0.000063	0.001
2,4,5-Trichlorophenol	95-95-4	0.18	7.4
2,4,6-Trichlorophenol	88-06-2	0.035	7.4
2,3,4,6-Tetrachloro- phenol	58-90-2	0.030	7.4
F028			
Residues resulting from the incineration or thermal treatment of, soil contaminated with USEPA hazardous waste numbers F020, F021, F023, F026, and F027.			
HxCDDs (All Hexachloro- dibenzo-p-dioxins)	NA	0.000063	0.001
HxCDFs (All Hexachloro- dibenzofurans)	NA	0.000063	0.001
PeCDDs (All Pentachloro- dibenzo-p-dioxins)	NA	0.000063	0.001
PeCDFs (All Pentachloro- dibenzofurans)	NA	0.000035	0.001
Pentachlorophenol	87-86-5	0.089	7.4
TCDDs (All Tetrachloro- dibenzo-p-dioxins)	NA	0.000063	0.001
TCDFs (All Tetrachloro- dibenzofurans)	NA	0.000063	0.001
2,4,5-Trichlorophenol	95-95-4	0.18	7.4
2,4,6-Trichlorophenol	88-06-2	0.035	7.4
2,3,4,6-Tetrachloro- phenol	58-90-2	0.030	7.4
F032			
Wastewaters (except those that have not come into contact with process contaminants), process residuals, preservative drillage, and spent formulations from wood preserving processes generated at plants that currently use or have previously used chlorophenolic formulations (except potentially cross-contaminated wastes that have had the F032 waste code deleted in accordance with 35 Ill. Adm. Code 721.135 or potentially cross-contaminated wastes that are otherwise currently regulated as hazardous wastes (i.e., F034 or F035), where the generator does not resume or initiate use of chlorophenolic formulations). This listing does not include K001 bottom sediment sludge from the treatment of wastewater from wood preserving processes that use cresolite or penta-chlorophenol.			
Acenaphthene	83-32-9	0.059	3.4
Anthracene	120-12-7	0.059	3.4
Benz(a)anthra-			

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2,4,6-Tri-chlorophenol	88-06-2	0.035	7.4
Arsenic	7440-38-2	1.4	5.0 mg/l TCLP
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP

## F034

Wastewaters (except those that have not come into contact with process contaminants), process residuals, preservative drillage, and spent formulations from wood preserving processes generated at plants that use creosote formulations. This listing does not include K001 bottom sediment sludge from the treatment of wastewater from wood preserving processes that use creosote or pentachlorophenol.

Acenaphthene	83-32-9	0.659	3.4
Anthracene	120-12-7	0.059	3.4
Benz(a)anthracene	56-55-3	0.059	3.4
Benzo(b)fluoranthene	205-99-2	0.11	6.8
anthene (difficult to distinguish from benzo(k)-fluoranthene)			
Benzo(k)fluoranthene	207-08-9	0.11	6.8
anthene (difficult to distinguish from benzo(b)-fluoranthene)			
Benz(a)pyrene	50-32-8	0.061	3.4
Chrysene	218-01-9	0.059	3.4
Dibenz(a,h)anthracene	53-70-3	0.055	8.2
Fluorene	86-73-7	0.059	3.4
Indeno(1,2,3-c,d)pyrene	193-39-5	0.0055	3.4
Naphthalene	91-20-3	0.059	5.6
phenanthrene	85-01-8	0.059	5.6
pyrene	129-00-0	0.067	8.2
Arsenic	7440-38-2	1.4	5.0 mg/l TCLP
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP

## F035

Wastewaters (except those that have not come into contact with process contaminants), process residuals, preservative drillage, and spent formulations from wood preserving processes that are generated at plants that use inorganic preservatives containing arsenic or chromium. This listing does not include

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K001 bottom sediment sludge from the treatment of wastewater from wood preserving processes that use creosote or pentachlorophenol.	7440-38-2	1.4	5.0 mg/l TCLP
Arsenic	7440-47-3	2.77	0.60 mg/l TCLP
Chromium (Total)			

## F037

Petroleum refinery primary oil/water/solids separation sludge--Any sludge generated from the gravitational separation of oil/water/solids during the storage or treatment of process wastewaters and oily cooling wastewaters from petroleum refineries. Such sludges include, but are not limited to, those generated in: oil/water/solids separators; tanks and impoundments; ditches and other conveyances; sumps; and stormwater units receiving dry weather flow. Sludge generated in stormwater units that do not receive dry weather flow, sludges generated from non-contact once-through cooling waters segregated for treatment from other process or oily cooling waters, sludges generated in aggressive biological treatment units as defined in 35 Ill. Adm. Code 721.131(b)(2) (including sludges generated in one or more additional units after wastewaters have been treated in aggressive biological treatment units) and K051 wastes are not included in this listing.

Acenaphthene	83-32-9	0.059	NA
Anthracene	120-12-7	0.059	3.4
Benzene	71-43-2	0.14	10
Benz(a)anthracene	56-55-3	0.059	3.4
Benzo(a)pyrene	50-32-8	0.061	3.4
bis(2-ethylhexyl)phthalate	117-81-7	0.28	28
Chrysene	218-01-9	0.059	3.4
Di-n-butyl phthalate	84-74-2	0.057	28
Ethylbenzene	100-41-4	0.057	10
Fluorene	86-73-7	0.059	NA
Naphthalene	91-20-3	0.059	5.6
phenanthrene	85-01-8	0.059	5.6
Phenol	108-95-2	0.039	6.2
Pyrene	129-00-0	0.067	8.2
Toluene	108-88-3	0.080	10
Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Cyanides (Total) (7)	57-12-5	1.2	NA
Lead	7439-92-1	0.69	590
Nickel	7440-02-0	NA	11 mg/l TCLP

## F038

Petroleum refinery secondary (emulsified) oil/water/solids separation sludge or float generated from the physical or chemical separation of oil/water/solids in process wastewaters and oily cooling wastewaters from petroleum refineries. Such wastes include, but are not limited to, all sludges and floats generated

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in: induced air floatation (IAF) units, tanks and impoundments, and all sludges generated in DAF units. Sludges generated in stormwater units that do not receive dry weather flow, sludges generated from non-contact once-through cooling waters segregated for treatment from other process or oily cooling waters, sludges, and floats generated in aggressive biological treatment units as defined in 35 Ill. Adm. Code 721.13(b)(2) (including sludges and floats generated in one or more additional units after wastewaters have been treated in aggressive biological units) and F037, F048, and F051 are not included in this listing.

Benzene	71-43-2	0.14	10
Benz(a)pyrene	50-32-8	0.061	3.4
bis(2-Ethylhexyl) phthalate	117-81-7	0.28	28
Chrysene	218-01-9	0.059	3.4
Di-n-butyl phthalate	84-74-2	0.057	28
Ethylbenzene	100-41-4	0.057	10
Fluorene	86-73-7	0.059	NA
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	85-01-8	0.059	5.6
Phenol	108-95-2	0.039	6.2
Pyrene	129-00-0	0.067	8.2
Toluene	108-88-3	0.080	10
Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Cyanides (Total)(7)	57-12-5	1.2	590
Lead	7439-92-1	0.69	NA
Nickel	7440-02-0	NA	11 mg/l TCLP

## F039

Leachate (liquids that have percolated through land disposed wastes) resulting from the disposal of more than one restricted waste classified as hazardous under Subpart D of this Part. (Leachate resulting from the disposal of one or more of the following USEPA hazardous wastes and no other hazardous wastes retains its USEPA hazardous waste numbers: F020, F021, F022, F026, F027, or F028.).

Acenaphthylene	208-96-8	0.059	3.4
Acenaphthene	83-32-9	0.059	3.4
Acetone	67-64-1	0.28	160
Acetonitrile	75-05-8	5.6	NA
Acetophenone	96-86-2	0.010	9.7
2-Acetylaminofluorene	53-96-3	0.059	140
Acrolein	107-02-8	0.29	NA
Acrylonitrile	107-13-1	0.24	84
Aldrin	309-00-2	0.021	0.066
4-Aminobiphenyl	92-67-1	0.13	NA
Aniline	62-53-3	0.81	14

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Anthracene	120-12-7	0.059	3.4
Aramite	140-57-8	0.36	NA
alpha-BHC	319-84-6	0.00014	0.066
beta-BHC	319-85-7	0.00014	0.066
delta-BHC	312-86-8	0.023	0.066
gamma-BHC	58-89-9	0.0017	0.066
Benzene	71-43-2	0.14	10
Benz(a)anthracene	56-55-3	0.059	3.4
Benz(b)fluoranthene (difficult to distinguish from benzo-(k)fluoranthene)	205-99-2	0.11	6.8
Benz(o)fluoranthene	207-08-9	0.11	6.8
Benzofluoranthene (difficult to distinguish from benzo-(b)fluoranthene)	191-24-2	0.0055	1.8
Benzofluoranthene	50-32-8	0.061	3.4
Benzofluoranthene	75-27-4	0.35	15
Bromodichloromethane	74-83-9	0.11	15
Methyl bromide (Bromo-methane)	101-55-3	0.055	15
4-Bromophenyl phenyl ether	71-36-3	5.6	2.6
n-Butyl alcohol	85-68-7	0.017	28
Butyl benzyl phthalate	88-85-7	0.066	2.5
2-sec-Butyl-4,6-dinitrophenol (Dinoseb)	75-15-0	3.8	NA
Carbon disulfide	56-23-5	0.057	6.0
Carbon tetrachloride	57-74-9	0.0033	0.26
Chlordane (alpha and gamma isomers)	106-47-8	0.46	16
p-Chloroaniline	108-90-7	0.057	6.0
Chlorobenzene	510-15-6	0.10	NA
Chlorobenzilate	126-99-8	0.057	NA
2-Chloro-1,3-butadiene	124-48-1	0.057	15
Chlorodibromomethane	75-00-3	0.27	6.0
Chloroethane	111-91-1	0.036	7.2
bis(2-Chloroethoxy)-methane	111-44-4	0.033	6.0
bis(2-Chloroethyl)ether	67-66-3	0.046	6.0
Chloroform	9638-32-9	0.055	7.2
bis(2-Chloroisopropyl)-ether	59-50-7	0.018	14
p-Chloro-m-cresol	74-87-3	0.19	30
Chloromethane (Methyl chloride)	91-58-7	0.055	5.6
2-Chloronaphthalene	95-57-8	0.044	5.7



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3-Chloropropylene	107-05-1	0.036	30	1,4-Dinitrobenzene	100-25-4	0.32	2.3
Chrysene	218-01-9	0.039	3.4	4,6-Dinitro-o-cresol	534-52-1	0.28	160
o-Cresol	95-48-7	0.11	5.6	2,4-Dinitrophenol	51-28-5	0.12	160
m-Cresol	108-39-4	0.77	5.6	2,4-Dinitrotoluene	121-14-2	0.32	140
(difficult to distinguish from p-cresol)				2,6-Dinitrotoluene	606-20-2	0.55	28
p-Cresol	106-44-5	0.77	5.6	Di-n-octyl phthalate	117-84-0	0.017	28
(difficult to distinguish from m-cresol)				Di-n-propylnitrosamine	621-64-7	0.40	14
Cyclohexanone	108-94-1	0.36	NA	1,4-Dioxane	123-91-1	12.0	170
1,2-Dibromo-3-chloro-propane	96-12-8	0.11	15	Diphenylamine (difficult to distinguish from diphenylnitrosamine)	122-39-4	0.92	NA
Ethylene dibromide (1,2-dibromoethane)	106-93-4	0.028	15	86-30-6		0.92	NA
Dibromomethane	74-95-3	0.11	15	122-66-7		0.087	NA
2,4-D (2,4-Dichlorophenoxyacetic acid)	94-75-7	0.72	10	Disulfoton	298-04-4	0.017	6.2
o,p'-DDD	53-19-0	0.023	0.087	Endosulfan I	939-98-8	0.023	0.066
p,p'-DDD	72-54-8	0.023	0.087	Endosulfan II	33213-6-5	0.029	0.13
o,p'-DDE	3424-82-6	0.031	0.087	Endosulfan sulfate	1031-07-8	0.029	0.13
p,p'-DDE	72-55-9	0.031	0.087	Endrin	72-20-8	0.0028	0.13
o,p'-DDT	789-02-6	0.0039	0.087	Endrin aldehyde	7421-93-4	0.025	0.13
p,p'-DDT	50-29-3	0.0039	0.087	Ethyl acetate	141-78-6	0.34	33
Dibenz(a,h)anthracene	53-70-3	0.055	8.2	Ethyl cyanide (Propane-nitrile)	107-12-0	0.24	360
Dibenz(a,e)pyrene	192-65-4	0.061	NA	Ethyl benzene	100-41-4	0.057	10
m-Dichlorobenzene	541-73-1	0.036	6.0	Ethyl ether	60-29-7	0.12	160
o-Dichlorobenzene	95-50-1	0.088	6.0	Bis(2-Ethylhexyl) phthalate	117-81-7	0.28	78
p-Dichlorobenzene	106-46-7	0.090	6.0	Ethyl methacrylate	97-63-2	0.14	160
Dichlorodifluoromethane	75-71-8	0.23	7.2	Ethylene oxide	75-21-8	0.12	15
1,1-Dichloroethane	75-34-3	0.059	6.0	Famphur	52-85-7	0.017	NA
1,2-Dichloroethane	107-06-2	0.21	6.0	Fluoranthene	206-44-0	0.068	3.4
1,1-Dichloroethylene	75-35-4	0.025	6.0	Fluorene	86-73-7	0.059	3.4
trans-1,2-Dichloroethylene	156-60-5	0.054	30	Heptachlor	76-44-8	0.0012	0.066
2,4-Dichlorophenol	120-83-2	0.044	14	1,2,3,4,6,7,8-Hepta-chlorodibenzop-dioxin	35822-46-9	0.000035	0.0025
2,6-Dichlorophenol	87-65-0	0.044	14	(1,2,3,4,6,7,8-HpCDD)			
1,2-Dichloropropane	78-87-5	0.85	18	1,2,3,4,6,7,8-	67562-39-4	0.000035	0.0025
cis-1,3-Dichloropropylene	10061-01-5	0.036	18	Heptachlorodibenzofuran			
trans-1,3-Dichloropropylene	10061-02-6	0.036	18	(1,2,3,4,6,7,8-HpCDF)			
Diieldrin	60-57-1	0.017	0.13	1,2,3,4,7,8,9-	55673-89-7	0.000035	0.0025
Diethyl phthalate	84-66-2	0.20	28	Heptachlorodibenzofuran			
2,4-Dimethyl phenol	105-67-9	0.036	14	(1,2,3,4,7,8,9-HpCDF)			
Dimethyl phthalate	131-11-3	0.047	28	Heptachlor epoxide	1024-57-3	0.016	0.066
Di-n-butyl phthalate	84-74-2	0.057	28	Hexachlorobenzene	118-74-1	0.055	10
				Hexachlorobutadiene	87-68-3	0.055	5.6
				Hexachlorocyclopenta-	77-47-4	0.057	2.4

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diene				(sum of all PCB isomers, or all Aroclors)		
HxCDDs (All Hexachloro- dibenzo-p-dioxins)	NA	0.000063	0.001	Pentachlorobenzene	608-93-5	10
HxCDFs (All Hexachloro- dibenzofurans)	NA	0.000063	0.001	PeCDDs (All Pentachloro- dibenzo-p-dioxins)	NA	0.001
Hexachloroethane	67-72-1	0.055	30	PeCDFs (All Penta- chlorodibenzofurans)	NA	0.000035
Hexachloropropylene	1888-71-7	0.035	30	Pentachloronitrobenzene	82-68-8	0.055
Indeno (1,2,3-c,d)	193-39-5	0.0055	3.4	Phenanthrene	87-86-5	4.8
Pyrene	74-88-4	0.19	65	Phenol	62-44-2	7.4
Iodomethane	78-83-1	5.6	170	Phenol	108-95-2	16
Isobutyl alcohol	465-73-6	0.021	0.066	Phorate	298-02-2	5.6
Isodrin	120-58-1	0.081	2.6	Phthalic anhydride	85-44-9	6.2
Isosafrole	143-50-8	0.0011	0.13	Pronamide	23950-58-5	4.6
Kepone	143-50-8	0.0011	0.13	Pyrene	129-00-0	NA
Methacrylonitrile	126-98-7	0.24	84	Pyridine	110-86-1	1.5
Methanol	67-56-1	5.6	NA	Salvex (2,4,5-tp)	94-59-7	8.2
Methapyrene	91-80-5	0.081	1.5	Silvex (2,4,5-tp)	93-72-1	22
Methoxychlor	72-43-5	0.25	0.18	2,4,5-T	93-76-5	7.9
3-Methylcholanthrene	56-49-5	0.0055	15	1,2,4,5-Tetrachloro- benzene	95-94-3	14
4,4-Methylene bis(2- chloroaniline)	101-14-4	0.50	30	TCDDs (All Tetrachloro- dibenzo-p-dioxins)	NA	0.000063
Methylene chloride	75-09-2	0.089	30	TCDFs (All Tetrachloro- dibenzofurans)	NA	0.000063
Methyl ethyl ketone	78-93-3	0.28	36	ethane	630-20-6	6.0
Methyl isobutyl ketone	108-10-1	0.14	33	1,1,1,2-Tetrachloro- ethane	79-34-6	6.0
Methyl methacrylate	80-62-6	0.14	160	ethane	1,1,2,2-Tetrachloro- ethane	0.057
Methyl methanesulfonate	66-27-3	0.018	NA	Tetrachloroethylene	127-18-4	0.056
Methyl parathion	298-00-0	0.014	4.6	2,3,4,6-Tetrachloro- phenol	58-90-2	6.0
Naphthalene	91-20-3	0.059	5.6	Toluene	108-88-3	7.4
2-Naphthylamine	100-01-6	0.028	28	Toxaphene	8001-35-2	10
P-Nitroaniline	100-01-6	0.52	NA	Bromochloroform (Tribromo- methane)	75-25-2	2.6
P-Nitrobenzene	98-95-3	0.068	28	1,2,4-Trichlorobenzene	120-82-1	15
5-Nitro-o-toluidine	99-55-8	0.32	14	1,1,1-Trichloroethane	71-55-6	19
P-Nitrophenol	100-02-7	0.12	28	1,1,2-Trichloroethane	79-00-5	6.0
N-Nitrosodimethylamine	55-18-5	0.40	29	Trichloroethylene	79-01-6	6.0
N-Nitrosodimethylamine	62-75-9	0.40	NA	Trichloromonofluoro- methane	75-69-4	30
N-Nitroso-di-n-butyl- amine	924-16-3	0.40	17	2,4,5-Trichlorophenol	95-95-4	7.4
N-Nitrosomethyllethyl- amine	10595-95-6	0.40	2.3	2,4,6-Trichlorophenol	88-06-2	0.035
N-Nitrosomorpholine	59-89-2	0.40	2.3	1,2,3-Trichloropropane	96-18-4	7.4
N-Nitrosopiperidine	100-75-4	0.013	35	1,1,2-Trichloro-1,2,2- trifluoroethane	76-13-1	30
N-Nitrosopyrrolidine	930-53-2	0.013	35			0.057
1,2,3,4,6,7,8,9- dioxin (1,2,3,4,6,7,8,9- OCDD)	3268-87-9	0.000063	0.0025			
Octachlorodibenzo-p- dioxin						
Parathion	56-38-2	0.014	4.6			
Total PCBs	1336-36-3	0.10	10			

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tris(2,3-Dibromopropyl) phosphate	126-72-7	0.11	NA
Vinyl chloride	75-01-4	0.27	6.0
Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
Antimony	7440-36-0	1.9	1.15 mg/l TCLP
Arsenic	7440-33-2	1.4	5.0 mg/l TCLP
Barium	7440-39-3	1.2	21 mg/l TCLP
Beryllium	7437-41-7	0.82	NA
Cadmium	7440-43-9	0.69	0.11 mg/l TCLP
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Cyanides (Total)(7)	57-12-5	1.2	590
Cyanides (Amenable)(7)	57-12-5	0.86	NA
Fluoride	16964-48-8	35	NA
Lead	7439-92-1	0.69	0.75 mg/l TCLP
Mercury	7439-97-6	0.15	0.025 mg/l TCLP
Nickel	7440-02-0	3.98	11 mg/l TCLP
Selenium	7782-43-2	0.82	5.7 mg/l TCLP
Silver	7440-22-4	0.43	0.14 mg/l TCLP
Sulfide	8436-25-8	14	NA
Thallium	7440-28-0	1.4	NA
Vanadium	7440-62-2	4.3	NA
K001	Bottom sediment sludge from the treatment of wastewaters from wood preserving processes that use creosote or pentachlorophenol.		
Naphthalene	91-20-3	0.059	5.6
Pentachlorophenol	87-86-5	0.089	7.4
Phenanthrene	85-01-8	0.059	5.6
Pyrene	129-00-0	0.067	8.2
Toluene	108-88-3	0.080	10
Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
Lead	7439-92-1	0.69	0.75 mg/l TCLP
K002	Wastewater treatment sludge from the production of chrome yellow and orange pigments.		
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Lead	7439-92-1	0.69	0.75 mg/l TCLP
K003	Wastewater treatment sludge from the production of molybdate orange pigments.		
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Lead	7439-92-1	0.69	0.75 mg/l TCLP

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K004	Wastewater treatment sludge from the production of zinc yellow pigments.		
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Lead	7439-92-1	0.69	0.75 mg/l TCLP
K005	Wastewater treatment sludge from the production of chrome green pigments.		
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Lead	7439-92-1	0.69	0.75 mg/l TCLP
Cyanides (Total)(7)	57-12-5	1.2	590
K006	Wastewater treatment sludge from the production of chrome oxide green pigments (anhydrous).		
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Lead	7439-92-1	0.69	0.75 mg/l TCLP
K006	Wastewater treatment sludge from the production of chrome oxide green pigments (hydrated).		
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Lead	7439-92-1	0.69	NA
K007	Wastewater treatment sludge from the production of iron blue pigments.		
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Lead	7439-92-1	0.69	0.75 mg/l TCLP
Cyanides (Total)(7)	57-12-5	1.2	590
K008	Oven residue from the production of chrome oxide green pigments.		
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Lead	7439-92-1	0.69	0.75 mg/l TCLP
K009	Distillation bottoms from the production of acetaldehyde from ethylene.		
Chloroform	67-66-3	0.046	6.0
K010	Distillation side cuts from the production of acetaldehyde from ethylene.		
Chloroform	67-66-3	0.046	6.0
K011	Bottom stream from the wastewater stripper in the production of acrylonitrile.		
Acetonitrile	75-05-8	5.6	38
Acrylonitrile	107-13-1	0.24	84
Acrylamide	79-06-1	19	23
Benzene	71-43-2	0.14	1.0

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Cyanide (Total)	57-12-5	1.2	590
<b>K013</b>			
Bottom stream from the acetonitrile column in the production of acrylonitrile.			
Acetonitrile	75-05-8	5.6	38
Acrylonitrile	107-13-1	0.24	84
Acrylamide	79-06-1	1.9	23
Benzene	71-43-2	0.14	10
Cyanide (Total)	57-12-5	1.2	590
<b>K014</b>			
Bottoms from the acetonitrile purification column in the production of acrylonitrile.			
Acetonitrile	75-05-8	5.6	38
Acrylonitrile	107-13-1	0.24	84
Acrylamide	79-06-1	1.9	23
Benzene	71-43-2	0.14	10
Cyanide (Total)	57-12-5	1.2	590

**K015**  
Still bottoms from the distillation of benzyl chloride.

Anthracene	120-12-7	0.059	3.4
Benzal chloride	98-87-3	0.055	6.0
Benzobifluoranthene	205-99-2	0.11	6.8
(difficult to distinguish from benzo-(k)fluoranthene)			
Benzok(fluoranthene)	207-08-9	0.11	6.8
(difficult to distinguish from benzo-(b)fluoranthene)			
Phenanthrene	85-01-8	0.059	5.6
Toluene	108-88-3	0.080	10
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Nickel	7440-02-0	3.98	11 mg/l TCLP

**K016**  
Heavy ends or distillation residues from the production of carbon tetrachloride.

Hexachlorobenzene	118-74-1	0.055	10
Hexachlorobutadiene	87-68-3	0.055	5.6
Hexachlorocyclopentadiene	77-47-4	0.057	2.4
Tetrachloroethylene	67-72-1	0.055	30
Tetrachloroethane	127-18-4	0.056	6.0

**K017**  
Heavy ends (still bottoms) from the purification column in the production of

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epichlorohydrin.	111-44-4	0.033	6.0
bis(2-Chloroethyl)ether	78-87-5	0.85	18
1,2-Dichloropropane	96-18-4	0.85	30

**K018**  
Heavy ends from the fractionation column in ethyl chloride production.

Chloroethane	75-00-3	0.27	6.0
Chloromethane	74-87-3	0.19	NA
1,1-Dichloroethane	75-34-3	0.059	6.0
1,2-Dichloroethane	107-06-2	0.21	6.0
Hexachlorobenzene	118-74-1	0.055	10
Hexachlorobutadiene	87-68-3	0.055	5.6
Hexachloroethane	67-72-1	0.055	30
Pentachloroethane	76-01-7	NA	6.0
1,1,1-Trichloroethane	71-55-6	0.054	6.0

**K019**

Heavy ends from the distillation of ethylene dichloride in ethylene dichloride production.

bis(2-Chloroethyl)ether	111-44-4	0.033	6.0
Chlorobenzene	108-90-7	0.057	6.0
Chloroform	67-66-3	0.046	6.0
p-Dichlorobenzene	106-46-7	0.090	NA
1,2-Dichloroethane	107-06-2	0.21	6.0
Fluorene	86-73-7	0.059	NA
Hexachloroethane	67-72-1	0.055	30
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	85-01-8	0.059	5.6
1,2,4,5-Tetrachlorobenzene	95-94-3	0.055	NA
Tetrachloroethylene	127-18-4	0.056	6.0
1,2,4-Trichlorobenzene	120-82-1	0.055	19
1,1,1-Trichloroethane	71-55-6	0.054	6.0

**K020**

Heavy ends from the distillation of vinyl chloride in vinyl chloride monomer production.

1,2-Dichloroethane	107-06-2	0.21	6.0
1,1,2,2-Tetrachloroethane	79-34-6	0.057	6.0
Tetrachloroethylene	127-18-4	0.056	6.0

**K021**

Aqueous spent antimony catalyst waste from fluoromethanes production.

Carbon tetrachloride	56-23-5	0.057	6.0
Chloroform	67-66-3	0.046	6.0
Antimony	7440-36-0	1.9	1.15 mg/l TCLP



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K022 Distillation bottom tars from the production of phenol or acetone from cumene.

Toluene 108-88-3 0.080 10

Acetophenone 96-86-2 0.010 9-7

Diphenylamine 122-39-4 0.92 13

(difficult

to distinguish from

diphenylnitrosamine

(difficult to

distinguish from

diphenylamine)

Phenol 108-95-2 0.039 6.2

Chromium (7<sup>+</sup>-al) 7440-47-3 2.77 0.60 mg/l TCLP

Nickel 7440-02-0 3.98 11 mg/l TCLP

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Stripping still tails from the production of methyl ethyl pyridines.

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1,2,4,5-Tetrachloro-benzene	95-94-3	0.055	14
Tetrachloroethylene	127-18-4	0.056	6.0
1,2,4-Trichlorobenzene	120-82-1	0.055	19
K031			
By-product salts generated in the production of MSMA and cacodylic acid.			
Arsenic	7440-38-2	1.4	5.0 mg/l TCLP
K032			
Wastewater treatment sludge from the production of chlordane.			
Hexachlorocyclopenta-diene	77-47-4	0.057	2.4
Chlordane (alpha and gamma isomers)	57-74-9	0.0033	0.26
Heptachlor	76-44-8	0.0012	0.066
Heptachlor epoxide	1024-57-3	0.016	0.066
K033			
Wastewater and scrub water from the chlorination of cyclopentadiene in the production of chlordane.			
Hexachlorocyclopenta-diene	77-47-4	0.057	2.4
K034			
Filter solids from the filtration of hexachlorocyclopentadiene in the production of chlordane.			
Hexachlorocyclopenta-diene	77-47-4	0.057	2.4
K035			
Wastewater treatment sludges generated in the production of creosote.			
Acenaphthene	83-32-9	NA	3.4
Anthracene	120-12-7	NA	3.4
Benzo(a)anthracene	56-55-3	0.059	3.4
Benzo(a)pyrene	50-32-8	0.061	3.4
Chrysene	218-01-9	0.059	2.4
o-Cresol	95-48-7	0.13	5.6
m-Cresol	108-39-4	0.77	5.6
(difficult to distinguish from p-cresol)			
p-Cresol	106-44-5	0.77	5.6
(difficult to distinguish from m-cresol)			
Dibenz(a,h)anthracene	53-70-3	NA	8.2
Fluoranthene	206-44-0	0.068	3.4

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Fluorene	86-73-7	NA	3.4
Indeno(1,2,3-cd)pyrene	193-39-5	NA	3.4
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	85-01-8	0.059	5.6
Phenol	108-95-2	0.039	6.2
Pyrene	129-00-0	0.067	8.2
K036			
Still bottoms from toluene reclamation distillation in the production of disulfoton.			
Disulfoton	298-04-4	0.017	6.2
K037			
Wastewater treatment sludges from the production of disulfoton.			
Disulfoton	298-04-4	0.017	6.2
Toluene	108-88-3	0.080	10
K038			
Wastewater from the washing and stripping of phosphate production.			
Phosphate	298-02-2	0.021	4.6
K039			
Filter cake from the filtration of diethylphosphorodithioic acid in the production of phosphate.			
NA	NA	CARBN; or CMBST	CMBST
K040			
Wastewater treatment sludge from the production of phosphate.			
Phosphate	298-02-2	0.021	4.6
K041			
Wastewater treatment sludge from the production of toxaphene.			
Toxaphene	8001-35-2	0.0095	2.6
K042			
Heavy ends or distillation residues from the distillation of tetrachlorobenzene in the production of 2,4,5-T.			
o-Dichlorobenzene	95-50-1	0.088	6.0
p-Dichlorobenzene	106-46-7	0.090	6.0
Pentachlorobenzene	608-93-5	0.055	10
1,2,4,5-Tetrachlorobenzene	95-94-3	0.055	14
1,2,4-Trichlorobenzene	120-82-1	0.055	19
K043			
2,6-Dichlorophenol waste from the production of 2,4-D.			
2,4-Dichlorophenol	120-83-2	0.044	14

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2,6-Dichlorophenol	187-65-0	14	
2,4,5-Trichlorophenol	95-95-4	7.4	
2,4,6-Trichlorophenol	88-06-2	0.035	7.4
2,3,4,6-Tetrachlorophenol	58-90-2	0.030	7.4
Pentachlorophenol	87-86-5	0.089	7.4
Tetrachloroethylene	127-18-4	0.056	6.0
HxCDDs (All Hexachloro-dibenzo-p-dioxins)	NA	0.00063	0.001
HxCDFs (All Hexachloro-dibenzofurans)	NA	0.00063	0.001
PeCDDs (All Pentachloro-dibenzo-p-dioxins)	NA	0.00063	0.001
PeCDFs (All Pentachloro-dibenzofurans)	NA	0.00035	0.001
TCDDs (All Tetrachloro-dibenzo-p-dioxins)	NA	0.00063	0.001
TCDFs (All Tetrachloro-dibenzofurans)	NA	0.00063	0.001
K044 Wastewater treatment sludges from the manufacturing and processing of explosives.	NA	DEACT	DEACT
NA	NA	DEACT	DEACT
K045 Spent carbon from the treatment of wastewater containing explosives.	NA	DEACT	DEACT
NA	NA	DEACT	DEACT
K046 Wastewater treatment sludges from the manufacturing, formulation and loading of lead-based initiating compounds.	7439-92-1	0.69	0.75 mg/l TCLP
Lead			
K047 Pink or red water from TNT operations.	NA	DEACT	DEACT
NA	NA	DEACT	DEACT
K048 Dissolved air flotation (DAF) float from the petroleum refining industry.			
Benzene	71-43-2	0.14	10
Benz(a)pyrene	50-32-8	0.061	3.4
bis(2-Ethylhexyl) phthalate	117-81-7	0.28	28
Chrysene	218-01-9	0.059	3.4
Di-n-butyl phthalate	84-74-2	0.057	28
Ethylbenzene	100-41-4	0.057	10
Fluorene	86-73-7	0.059	NA

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Naphthalene	91-20-3	0.059	5.6
Phenanthrene	85-01-8	0.059	5.6
Phenol	108-95-2	0.039	6.2
Pyrene	129-00-0	0.067	8.2
Toluene	108-88-33	0.080	10
Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Cyanides (Total)(7)	57-12-5	1.2	590
Lead	7439-92-1	0.69	NA
Nickel	7440-02-0	NA	11 mg/l TCLP
K049 Slop oil emulsion solids from the petroleum refining industry.			
Anthracene	120-12-7	0.059	3.4
Benzene	71-43-2	0.14	10
Benzo(a)pyrene	50-32-8	0.061	3.4
bis(2-Ethylhexyl) phthalate	117-81-7	0.28	28
Carbon disulfide	75-15-0	3.8	NA
Chrysene	2218-01-9	0.059	3.4
2,4-Dimethylphenol	105-67-9	0.036	NA
Ethylbenzene	100-41-4	0.057	10
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	85-01-8	0.059	5.6
Phenol	108-95-2	0.039	6.2
Pyrene	129-00-0	0.067	8.2
Toluene	108-88-3	0.080	10
Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
Cyanides (Total)(7)	57-12-5	1.2	590
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Lead	7439-92-1	0.69	NA
Nickel	7440-02-0	NA	11 mg/l TCLP
K050 Heat exchanger bundle cleaning sludge from the petroleum refining industry.			
Benzo(a)pyrene	50-32-8	0.061	3.4
Phenol	108-95-2	0.039	6.2
Cyanides (Total)(7)	57-12-5	1.2	590
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Lead	7439-92-1	0.69	NA
Nickel	7440-02-0	NA	11 mg/l TCLP
K051 API separator sludge from the petroleum refining industry.			

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Acenaphthene	83-32-9	0.059	NA
Anthracene	120-12-7	0.059	3.4
Benz(a)anthracene	56-55-3	0.059	3.4
Benzene	71-43-2	0.14	1.0
Benzo(a)pyrene	50-32-8	0.061	3.4
bis(2-Ethylhexyl) phthalate	117-81-7	0.28	28
Chrysene	2218-01-9	0.059	3.4
Di-n-butyl phthalate	105-67-9	0.057	28
Ethylbenzene	100-41-4	0.057	1.0
Fluorene	86-73-7	0.059	NA
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	85-01-8	0.059	5.6
Phenol	108-95-2	0.039	6.2
Pyrene	129-00-0	0.067	8.2
Toluene	108-88-3	0.08	10
Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
Cyanides (Total)(7)			
Chromium (Total)	57-12-5	1.2	590
Lead	7440-47-3	2.77	
Nickel	7439-92-1	0.69	
	7440-02-0	NA	
R052			
Tank bottoms (leaded) from the petroleum refining industry.			
Benzene	71-43-2	0.14	1.0
Benzo(a)pyrene	50-32-8	0.061	3.4
o-Cresol	95-48-7	0.11	5.6
m-Cresol	108-39-4	0.77	5.6
(difficult to distinguish from p-cresol)			
p-Cresol	106-44-5	0.77	5.6
(difficult to distinguish from m-cresol)			
2,4-Dimethylphenol	105-67-9	0.036	NA
Ethylbenzene	100-41-4	0.057	1.0
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	85-01-8	0.059	5.6
Phenol	108-95-2	0.039	6.2
Toluene	108-88-3	0.08	10
Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
Cyanides (Total)(7)			
Chromium (Total)	7440-47-3	2.77	0.60 mg/1 TCLP
	57-12-5	1.2	590

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Lead	7439-92-1	0.69	NA
Nickel	7440-02-0	NA	11 mg/1 TCLP
R060			
Ammonia still lime sludge from coking operations.			
Benzene	71-43-2	0.14	10
Benzo(a)pyrene	50-32-8	0.061	3.4
Naphthalene	91-20-3	0.059	5.6
Phenol	108-95-2	0.039	6.2
Cyanides (Total)(7)	57-12-5	1.2	590
R061			
Emission control dust or sludge from the primary production of steel in electric furnaces.			
Antimony	7440-36-0	NA	1.15 mg/1 TCLP
Arsenic	7440-38-2	NA	5.0 mg/1 TCLP
Barium	7440-39-3	NA	21 mg/1 TCLP
Beryllium	7440-41-7	NA	1.22 mg/1 TCLP
Cadmium	7440-43-9	0.69	0.11 mg/1 TCLP
Chromium (Total)	7440-47-3	2.77	0.60 mg/1 TCLP
Lead	7439-92-1	0.69	0.75 mg/1 TCLP
Mercury	7439-97-6	NA	0.025 mg/1 TCLP
Nickel	7440-02-0	3.98	11 mg/1 TCLP
Selenium	7782-49-2	NA	5.7 mg/1 TCLP
Silver	7440-22-4	NA	0.14 mg/1 TCLP
Thallium	7440-28-0	NA	0.20 mg/1 TCLP
Zinc	7440-66-6	NA	4.3 mg/1 TCLP
R062			
Spent pickle liquor generated by steel finishing operations of facilities within the iron and steel industry (SIC Codes 331 and 332).			
Chromium (Total)	7440-47-3	2.77	0.60 mg/1 TCLP
Lead	7439-92-1	0.69	0.75 mg/1 TCLP
Nickel	7440-02-0	3.98	NA
R069			
Emission control dust or sludge from secondary lead smelting. - Calcium sulfate (Low Lead) Subcategory			
Cadmium	7440-43-9	0.69	0.11 mg/1 TCLP
Lead	7439-92-1	0.69	0.75 mg/1 TCLP
R069			
Emission control dust or sludge from secondary lead smelting. - Non-Calcium sulfate (High Lead) Subcategory			
NA	NA	NA	RLD
R071			
K071 (Brine purification muds from the mercury cell process in chlorine			



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production, where separately prepurified brine is not used) nonwastewaters that are residues from RMERC.

Mercury 7439-97-6 NA 0.20 mg/l TCLP

K071 (Brine purification muds from the mercury cell process in chlorine production, where separately prepurified brine is not used) nonwastewaters that are not residues from RMERC.

Mercury 7439-97-6 NA 0.025 mg/l TCLP

K071 All K071 wastewaters.

Mercury 7439-97-6 0.15 NA

K073 Chlorinated hydrocarbon waste from the purification step of the diaphragm cell process using graphite anodes in chlorine production.

Carbon tetrachloride 56-23-5 0.057 6.0

Chloroform 67-66-3 0.046 6.0

Hexachloroethane 67-72-1 0.055 30

Tetrachloroethylene 127-18-4 0.056 6.0

1,1,1-Trichloroethane 71-55-6 0.054 6.0

K083

Distillation bottoms from aniline production.

Aniline 62-53-3 0.81 14

Benzene 71-43-2 0.14 10

Cyclohexanone 108-94-1 0.36 NA

Diphenylamine 122-39-4 0.92 13

(difficult to distinguish from diphenylnitrosamine)

Diphenylnitrosamine 86-30-6 0.92 13

(difficult to distinguish from diphenylamine)

Nitrobenzene 98-95-3 0.068 14

Phenol 108-95-2 0.039 6.2

Nickel 7440-02-0 3.98 11 mg/l TCLP

K084

Wastewater treatment sludges generated during the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.

Arsenic 7440-38-2 1.4 5.0 mg/l TCLP

K085

Distillation or fractionation bottoms from the production of chlorobenzenes.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

Benzene 71-43-2 0.14 10

Chlorobenzene 108-90-7 0.057 6.0

m-Dichlorobenzene 541-73-1 0.036 6.0

o-Dichlorobenzene 95-50-1 0.088 6.0

p-Dichlorobenzene 106-46-7 0.090 6.0

Hexachlorobenzene 118-74-1 0.055 10

Total PCBs (sum of all PCB isomers, or all Aroclors) 1336-36-3 0.10 10

Pentachlorobenzene 608-93-5 0.055 10

1,2,4,5-Tetrachlorobenzene 95-94-3 0.055 14

1,2,4-Trichlorobenzene 120-82-1 0.055 19

K086

Solvent wastes and sludges, caustic washes and sludges, or water washes and sludges from cleaning tubs and equipment used in the formulation of ink from pigments, driers, soaps, and stabilizers containing chromium and lead.

Acetone 67-64-1 0.28 160

Acetophenone 96-86-2 0.010 9.7

bis(2-Ethylhexyl) phthalate 117-81-7 0.28 28

n-Butyl alcohol 71-36-3 5.6 2.6

Butylbenzyl phthalate 85-68-7 0.017 28

Cyclohexanone 108-94-1 0.36 NA

o-Dichlorobenzene 95-50-1 0.088 6.0

Diethyl phthalate 84-66-2 0.20 28

Dimethyl phthalate 131-11-3 0.047 28

Di-n-butyl phthalate 84-74-2 0.057 28

Di-n-octyl phthalate 117-94-0 0.017 28

Ethyl acetate 141-78-6 0.34 33

Ethylbenzene 100-41-4 0.057 10

Methanol 67-56-1 5.6 NA

Methyl ethyl ketone 78-93-3 0.28 36

Methyl isobutyl ketone 108-10-1 0.14 33

Methylene chloride 75-09-2 0.089 30

Naphthalene 91-20-3 0.059 5.6

Nitrobenzene 98-95-3 0.068 14

Toluene 108-88-3 0.080 10

1,1,1-Trichloroethane 71-55-6 0.054 6.0

Trichloroethylene 79-01-6 0.054 6.0

Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations) 1330-20-7 0.32 30

Chromium (Total) 7440-47-3 2.77 590

Cyanides (Total) 75-12-5 1.2 0.75 mg/l TCLP

Lead 7439-92-1 0.69

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## K087

Decanter tank tar sludge from coking operations.

Acenaphthylene	208-96-8	0.059
Benzene	71-43-2	0.14
Chrysene	218-01-9	0.059
Fluoranthene	206-44-0	0.068
Indeno(1,2,3-cd)pyrene	193-39-5	0.0055
Naphthalene	91-20-3	0.059
Phenanthrene	85-01-8	0.059
Toluene	108-88-3	0.080
Xylenes-mixed isomers (sum of o-, m-, and p- xylene concentrations)	1330-20-7	0.32

Lead 7439-92-1 0.69

## K088

Spent potliners from primary aluminum reduction.

Acenaphthene	83-32-9	0.059
Anthracene	120-12-7	0.059
Benz(a)anthracene	56-55-3	0.059
Benzo(a)pyrene	50-32-8	0.061
Benzo(b)fluoranthene	205-99-2	0.11
Benzo(k)fluoranthene	207-08-9	0.11
Benzo(g,h,i)perylene	191-24-2	0.0055
Chrysene	218-01-9	0.059
Dibenz(a,h)anthracene	53-70-3	0.055
Fluoranthene	206-44-0	0.068
Indeno(1,2,3-c,d)pyrene	193-39-5	0.0055
Phenanthrene	85-01-8	0.059
Pyrene	129-00-0	0.067
Antimony	7440-36-0	1.9
Arsenic	7440-38-2	1.4
Barium	7440-39-3	1.2
Beryllium	7440-41-7	0.82

Cadmium 7440-43-9 0.69

Chromium (Total) 7440-47-3 2.77

Lead 7439-92-1 0.69

Mercury 7439-97-6 0.15

Nickel 7440-02-0 3.98

Selenium 7782-49-2 0.82

Silver 7440-22-4 0.43

Cyanide (Total)(7) 57-12-5 1.2

Cyanide (Amenable)(7) 57-12-5 0.86

Fluoride 16984-48-8 35

## K093

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Distillation light ends from the production of ortho-xylene, Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	100-21-0	0.055	28
Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	85-44-9	0.055	28

K094 Distillation bottoms from the production of ortho-xylene, Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	100-21-0	0.055	28
Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	85-44-9	0.055	28

## K095 Distillation bottoms from the production of 1,1,1-trichloroethane.

Hexachloroethane	67-72-1	0.055	30
Pentachloroethane	76-01-7	0.055	6.0
1,1,1,2-Tetrachloroethane	630-20-6	0.057	6.0
1,1,2,2-Tetrachloroethane	79-34-6	0.057	6.0
Trichloroethylene	127-18-4	0.056	6.0
1,1,2-Trichloroethane	79-00-5	0.054	6.0
Trichloroethylene	79-01-6	0.054	6.0

K096 Heavy ends from the production of 1,1,1-trichloroethane, 1,1,1-trichloroethane, m-Dichlorobenzene, Pentachloroethane, 1,1,1,2-Tetrachloroethane, 1,1,2,2-Tetrachloroethane, Tetraethoxyethylene, 1,2,4-Trichlorobenzene, 1,1,2-Trichloroethane, Trichloroethylene	541-73-1	0.036	6.0
	76-01-7	0.055	6.0
	630-20-6	0.057	6.0
	79-34-6	0.057	6.0
	127-18-4	0.056	6.0
	1,2,4-Trichlorobenzene	120-82-1	19
	1,1,2-Trichloroethane	79-00-5	0.054
	Trichloroethylene	79-01-6	0.054

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K097 Vacuum stripper discharge from the chlorthane chlorinator in the production of chlorthane.  
 Chlorthane (alpha and gamma isomers) 57-74-9 0.0033 0.26  
 Heptachlor epoxide 76-44-8 0.0012 0.066  
 Heptachlor epoxide 1024-57-3 0.016 0.066  
 Hexachlorocyclopentadiene 77-47-4 0.057 2.4

K098 Untreated process wastewater from the production of toxaphene.  
 Toxaphene 8001-35-2 0.0095 2.6

K099 Untreated wastewater from the production of 2,4-D.  
 2,4-Dichlorophenoxy- 94-75-7 0.72 10

acetic acid  
 HxCDDs (All Hexachloro-dibenzo-p-dioxins) NA 0.000063 0.001  
 HxCDFs (All Hexachloro-dibenzofurans) NA 0.000063 0.001  
 PeCDDs (All Pentachloro-dibenzo-p-dioxins) NA 0.000063 0.001  
 PeCDFs (All Pentachloro-dibenzofurans) NA 0.000035 0.001  
 TCDDs (All Tetrachloro-dibenzo-p-dioxins) NA 0.000063 0.001  
 TCDFs (All Tetrachloro-dibenzofurans) NA 0.000063 0.001

K100 Waste leaching solution from acid leaching of emission control dust or sludge from secondary lead smelting.  
 Cadmium 7440-43-9 0.69 0.11 mg/l TCLP  
 Chromium (Total) 7440-47-3 2.77 0.60 mg/l TCLP  
 Lead 7439-92-1 0.69 0.75 mg/l TCLP

K101 Distillation tar residues from the distillation of aniline-based compounds in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.  
 o-Nitroaniline 88-74-4 0.27 14  
 Arsenic 7440-38-2 1.4 5.0 mg/l TCLP  
 Cadmium 7440-43-9 0.69 NA  
 Lead 7439-92-1 0.69 NA  
 Mercury 7439-97-6 0.15 NA

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K102 Residue from the use of activated carbon for decolorization in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.  
 o-Nitrophenol 98-75-5 0.028 13  
 Arsenic 7440-38-2 1.4 5.0 mg/l TCLP  
 Cadmium 7440-43-9 0.69 NA  
 Lead 7439-92-1 0.69 NA  
 Mercury 7439-97-6 0.15 NA

K103 Process residues from aniline extraction from the production of aniline.  
 Aniline 62-53-3 0.81 14  
 Benzene 71-43-2 0.14 10  
 2,4-Dinitrophenol 51-28-5 0.12 160  
 Nitrobenzene 98-95-3 0.068 14  
 Phenol 108-95-2 0.039 6.2

K104 Combined wastewater streams generated from nitrobenzene or aniline production.  
 Aniline 62-53-3 0.81 14  
 Benzene 71-43-2 0.14 10  
 2,4-Dinitrophenol 51-28-5 0.12 160  
 Nitrobenzene 98-95-3 0.068 14  
 Phenol 108-95-2 0.039 6.2  
 Cyanides (Total)(7) 57-12-5 1.2 590

K105 Separated aqueous stream from the reactor product washing step in the production of chlorobenzenes.

Benzene 71-43-2 0.14 10  
 Chlorobenzene 108-90-7 0.057 6.0  
 2-Chlorophenol 95-57-8 0.044 5.7  
 o-Dichlorobenzene 95-50-1 0.088 6.0  
 p-Dichlorobenzene 106-46-7 0.090 6.0  
 Phenol 108-95-2 0.039 6.2  
 2,4,5-Trichlorophenol 95-95-4 0.18 7.4  
 2,4,6-Trichlorophenol 88-06-2 0.035 7.4

K106 (wastewater treatment sludge from the mercury cell process in chlorine production) nonwastewaters that contain greater than or equal to 260 mg/kg total mercury.  
 Mercury 7439-97-6 NA RMERC

K106 (wastewater treatment sludge from the mercury cell process in chlorine production) nonwastewaters that contain less than 260 mg/kg total mercury that are residues from RMERC.

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## NOTICE OF PROPOSED AMENDMENTS

Mercury	7439-97-6	NA	0.20 mg/l TCLP	
K106	Other K106 nonwastewaters that contain less than 260 mg/kg total mercury and are not residues from RMERC.			
Mercury	7439-97-6	NA	0.025 mg/l TCLP	
K106	All K106 wastewaters.			
Mercury	7439-97-6	0.15	NA	
K107	Column bottoms from product separation from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.			
NA	NA	CMBST; or CHOXD fb or CARBN; or BIODG fb CARBN	CMBST	
K108	Condensed column overheads from product separation and condensed reactor vent gases from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.			
NA	NA	CMBST; or CHOXD fb or CARBN; or BIODG fb CARBN	CMBST	
K109	Spent filter cartridges from product purification from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.			
NA	NA	CMBST; or CHOXD fb or CARBN; or BIODG fb CARBN	CMBST	
K110	Condensed column overheads from intermediate separation from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.			
NA	NA	CMBST; or CHOXD fb or CARBN; or BIODG fb CARBN	CMBST	
K111	Product washwaters from the production of dinitrotoluene via nitration of toluene.			

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

2,4-Dinitrotoluene	121-1-1	0.32	140	
2,6-Dinitrotoluene	606-20-2	0.55	28	
K112	Reaction by-product water from the drying column in the production of toluenediamine via hydrogenation of dinitrotoluene.			
NA	NA	CMBST; or CHOXD fb or CARBN; or BIODG fb CARBN	CMBST	
K113	Condensed liquid light ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.			
NA	NA	CARBN; or CMBST	CMBST	
K114	Vicinals from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.			
NA	NA	CARBN; or CMBST	CMBST	
K115	Heavy ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.			
Nickel	7440-02-0	3.98	11 mg/l TCLP	
NA	NA	CARBN; or CMBST	CMBST	
K116	Organic condensate from the solvent recovery column in the production of toluene diisocyanate via phosgenation of toluenediamine.			
NA	NA	CARBN; or CMBST	CMBST	
K117	Wastewater from the reactor vent gas scrubber in the production of ethylene dibromide via bromination of ethene.			
Methyl bromide (Bromo-methane)	74-83-9	0.11	15	
Chloroform	67-66-3	0.046	6.0	
Ethylene-dibromide (1,2-Dibromoethane)	106-93-4	0.028	15	
K118	Spent absorbent solids from purification of ethylene dibromide in the production of ethylene dibromide via bromination of ethene.			

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Methyl bromide (Bromo-methane)	74-83-9	0.11	15
Chloroform	67-66-3	0.046	6.0
Ethylene dibromide (1,1,2-Dibromoethane)	106-93-4	0.028	15
K123			
Process wastewater (including supernates, filtrates, and washwaters) from the production of ethylenedisulfocarbamic acid and its salts.	NA	CMBST	from the
	or CHOXD fb		
	(BIOOG or		
	CARBN)		
K124			
Reactor vent scrubber water from the production of ethylenedisulfocarbamic acid and its salts.	NA	CMBST	
	or CHOXD fb		
	(BIOOG or		
	CARBN)		
K125			
Filtration, evaporation, and centrifugation solids from the production of ethylenedisulfocarbamic acid and its salts.	NA	CMBST	
	or CHOXD fb		
	(BIOOG or		
	CARBN)		
K126			
Baghouse dust and floor sweepings in milling and packaging operations from the production or formulation of ethylenedisulfocarbamic acid and its salts.	NA	CMBST	
	or CHOXD fb		
	(BIOOG or		
	CARBN)		
K131			
Wastewater from the reactor and spent sulfuric acid from the acid dryer from the production of methyl bromide.	NA	CMBST	
	or CHOXD fb		
	(BIOOG or		
	CARBN)		
K132			
Spent absorbent and wastewater separator solids from the production of methyl bromide.	NA	CMBST	
	or CHOXD fb		
	(BIOOG or		
	CARBN)		
Methyl bromide (Bromo-methane)	74-83-9	0.11	15

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Methane)			
K136			
Still bottoms from the purification of ethylene dibromide in the production of ethylene dibromide via bromination of ethene.	Methyl bromide (Bromo-methane)	74-83-9	0.11
	Chloroform	67-66-3	0.046
	Ethylene dibromide (1,1,2-Dibromoethane)	106-93-4	0.028
K141			
Process residues from the recovery of coal tar, including, but not limited to, collecting sump residues from the production of coke or the recovery of coke by-products produced from coal. This listing does not include K087 (decanter tank tar sludge from coking operations).	Benzene	71-43-2	0.14
	Benz(a)anthracene	56-55-3	0.059
	Benz(o)pyrene	50-2-8	0.061
	Benz(b)fluoranthene	205-99-2	0.11
	(difficult to distinguish from benzo(k)fluoranthene)		
	Benz(o)fluoranthene	207-08-9	0.11
	(difficult to distinguish from benzo(b)fluoranthene)		
	Chrysene	218-01-9	0.059
	Dibenz(a,h)anthracene	53-70-3	0.055
	Indeno(1,2,3-cd)pyrene	193-39-5	0.0055
K142			
Tar storage tank residues from the production of coke from coal or from the recovery of coke by-products produced from coal.	Benzene	71-43-2	0.14
	Benz(a)anthracene	56-55-3	0.059
	Benz(o)pyrene	50-2-8	0.061
	Benz(b)fluoranthene	205-99-2	0.11
	(difficult to distinguish from benzo(k)fluoranthene)		
	Benz(o)fluoranthene	207-08-9	0.11
	(difficult to distinguish from benzo(b)fluoranthene)		
	Chrysene	218-01-9	0.059
	Dibenz(a,h)anthracene	53-70-3	0.055
	Indeno(1,2,3-cd)pyrene	193-39-5	0.0055



## POLLUTION CONTROL BOARD

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R143  
Process residues from the recovery of light oil, including, but not limited to, those generated in stills, decanters, and wash oil recovery units from the recovery of coke by-products produced from coal.

Benzene	71-43-2	0.14	10
Benz(a)anthracene	56-55-3	0.059	3.4
Benz(o)pyrene	50-32-8	0.061	3.4
Benzo(b)fluoranthene	205-99-2	0.11	6.8
distinguish from benzo-			
(k)fluoranthene)			
Benz(o)fluoranthene	207-08-9	0.11	6.8
(difficult to			
distinguish from benzo-			
(b)fluoranthene)			
Chrysene	218-01-9	0.059	3.4

R144  
Wastewater sump residues from light oil refining, including, but not limited to, intercepting or contamination sump sludges from the recovery of coke by-products produced from coal.

Benzene	71-43-2	0.14	10
Benz(a)anthracene	56-55-3	0.059	3.4
Benz(o)pyrene	50-32-8	0.061	3.4
Benzo(b)fluoranthene	205-99-2	0.11	6.8
(difficult to			
distinguish from benzo-			
(k)fluoranthene)			
Benz(o)fluoranthene	207-08-9	0.11	6.8
(difficult to			
distinguish from benzo-			
(b)fluoranthene)			
Chrysene	218-01-9	0.059	3.4
Dibenz(a,h)anthracene	53-70-3	0.055	8.2

R145  
Residues from naphthalene collection and recovery operations from the recovery of coke by-products produced from coal.

Benzene	71-43-2	0.14	10
Benz(a)anthracene	56-55-3	0.059	3.4
Benz(o)pyrene	50-32-8	0.061	3.4
Chrysene	218-01-9	0.059	3.4
Dibenz(a,h)anthracene	53-70-3	0.055	8.2
Naphthalene	91-20-3	0.059	5.6

K147

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Tar storage tank residues from coal tar refining.

Benzene	71-43-2	0.14	10
Benz(a)anthracene	56-55-3	0.059	3.4
Benz(o)pyrene	50-32-8	0.061	3.4
Benzo(b)fluoranthene	205-99-2	0.11	6.8
(difficult to			
distinguish from benzo-			
(k)fluoranthene)			
Benz(o)fluoranthene	207-08-9	0.11	6.8
(difficult to			
distinguish from benzo-			
(b)fluoranthene)			
Chrysene	218-01-9	0.059	3.4
Dibenz(a,h)anthracene	53-70-3	0.055	8.2
Indeno(1,2,3-cd)pyrene	193-39-5	0.0055	3.4

K148  
Residues from coal tar distillation, including, but not limited to, still bottoms.

Benz(a)anthracene	56-55-3	0.059	3.4
Benz(o)pyrene	50-32-8	0.061	3.4
Benzo(b)fluoranthene	205-99-2	0.11	6.8
(difficult to			
distinguish from benzo-			
(k)fluoranthene)			
Benz(o)fluoranthene	207-08-9	0.11	6.8
(difficult to			
distinguish from benzo-			
(b)fluoranthene)			
Chrysene	218-01-9	0.059	3.4
Dibenz(a,h)anthracene	53-70-3	0.055	8.2
Indeno(1,2,3-cd)pyrene	193-39-5	0.0055	3.4

K149

Distillation bottoms from the production of alpha- (or methyl-) chlorinated toluenes, ring-chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups. (This waste does not include still bottoms from the distillations of benzyl chloride.)

Chlorobenzene	108-90-7	0.057	6.0
Chloroform	67-66-3	0.046	6.0
Chloromethane	74-87-3	0.19	30
p-Dichlorobenzene	106-46-7	0.090	6.0
Hexachlorobenzene	118-74-1	0.055	10
Pentachlorobenzene	608-93-5	0.055	10
1,2,4,5-Tetrachloro-	95-94-3	0.055	14
benzene			
Toluene	108-88-3	0.080	10

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## NOTICE OF PROPOSED AMENDMENTS

K150 Organic residuals, excluding spent carbon adsorbent, from the spent chlorine gas and hydrochloric acid recovery processes associated with the production of alpha- (or methyl-) chlorinated toluenes, ring-chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups.	Carbon tetrachloride	56-23-5	0.057	6.0
	Chloroform	67-66-3	0.046	6.0
	Chloromethane	74-87-3	0.19	30
	p-Dichlorobenzene	106-46-7	0.090	6.0
	Hexachlorobenzene	118-74-1	0.055	10
	Pentachlorobenzene	608-93-5	0.055	10
	1,2,4,5-Tetrachlorobenzene	95-94-3	0.055	14
	1,1,2,2-Tetrachloroethane	79-34-5	0.057	6.0
	1,2,4-Trichlorobenzene	127-18-4	0.056	6.0
	1,2,4-Trichlorobenzene	120-82-1	0.055	19

K151 Wastewater treatment sludges, excluding neutralization and biological sludges, generated during the treatment of wastewaters from the production of alpha- (or methyl-) chlorinated toluenes, ring-chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups.

Benzene	71-43-2	0.14	10
Carbon tetrachloride	56-23-5	0.057	6.0
Chloroform	67-66-3	0.046	6.0
Hexachlorobenzene	118-74-1	0.055	10
Pentachlorobenzene	608-93-5	0.055	10
1,2,4,5-Tetrachlorobenzene	95-94-3	0.055	14
Tetrachloroethylene	127-18-4	0.056	6.0
Toluene	108-88-3	0.080	10

K156 Organic waste (including heavy ends, still bottoms, light ends, spent solvents, filtrates, and decantates) from the production of carbamates and carbamoyl oximes.(10)

Acetonitrile	75-05-8	5.6	1.8
Acetophenone	96-86-2	0.010	9.7
Aniline	62-53-3	0.81	14
Benomyl	17804-35-2	0.056	1.4
Benzene	71-43-2	0.14	10
Carbaryl	63-25-21	0.006	0.14
Carbenzadim	10605-21-7	0.056	1.4
Carbofuran	1563-66-2	0.006	0.14
Carbosulfan	55285-14-8	0.028	1.4
Chlorobenzene	108-90-7	0.057	6.0
Chloroform	67-66-3	0.046	6.0

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O-Dichlorobenzene	95-50-1	0.088	6.0	
	Methionyl	16752-77-5	0.028	
	Methylene chloride	75-09-2	0.089	30
	Methyl ethyl ketone	78-93-3	0.28	36
	Naphthalene	91-20-3	0.059	5.6
	Phenol	108-95-2	0.039	6.2
	Pyridine	110-86-1	0.014	16
	Toluene	108-88-3	0.080	10
	Triethylamine	121-44-8	0.081	1.5

K157 Wastewaters (including scrubber waters, condenser waters, washwaters, and separation waters) from the production of carbamates and carbamoyl oximes.

Carbon tetrachloride	56-23-5	0.057	6.0
Chloroform	67-66-3	0.046	6.0
Chloromethane	74-87-3	0.19	30
Methionyl	16732-77-5	0.028	0.14
Methylethyl ketone	75-09-2	0.089	30
Methyl ethyl ketone	78-93-3	0.28	36
Pyridine	110-86-1	0.014	16
Triethylamine	121-44-8	0.081	1.5

K158 Baghouse dusts and filter/separation solids from the production of carbamates and carbamoyl oximes.

Benomyl	17804-35-2	0.056	1.4
Benzene	71-43-2	0.14	10
Carbenzadim	10605-21-7	0.056	1.4
Carbofuran	1563-66-2	0.006	0.14
Carbosulfan	55285-14-8	0.028	1.4
Chloroform	67-66-3	0.046	6.0
Methylethyl ketone	75-09-2	0.089	30
Phenol	108-95-2	0.039	6.2

K159 Organics from the treatment of thiocarbamate wastes.(10)

Benzene	71-43-2	0.14	10
Butylate	2008-41-5	0.042	1.4
EPIC (Eptam)	759-94-4	0.042	1.4
Molinate	2212-67-1	0.042	1.4
Peblate	1114-71-2	0.042	1.4
Vernolate	1929-77-7	0.042	1.4

K161 Purification solids (including filtration, evaporation, and centrifugation solids), baghouse dust and floor sweepings from the production of thiocarbamate acids and their salts.

Antimony 7440-36-0 1.9 1.15(11)

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Arsenic	7440-38-2	1.4	5.0(11)
Carbon disulfide	75-15-0	3.8	4.8(11)
Dithiocarbamates (total)	137-30-4	28	
Lead	7439-92-1	0.69	0.75(11)
Nickel	7440-02-0	3.38	11(11)
Selenium	7782-49-2	0.82	5.7(11)

## K169

Crude oil tank sediment from petroleum refining operations.

Benz(a)anthracene	56-55-3	0.059	3.4
Benzene	71-43-2	0.14	1.0
Benz(g,h,i)perylene	191-24-2	0.0055	1.8
Chrysene	218-01-9	0.059	3.4
Ethyl benzene	100-41-4	0.057	1.0
Fluorene	86-73-7	0.059	3.4
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	81-05-8	0.059	5.6
Pyrene	129-00-0	0.067	8.2
Toluene (Methyl Benzene)	108-88-3	0.080	1.0
Xylenes (Total)	1330-20-7	0.32	3.0

## K170

Clarified slurry oil sediment from petroleum refining operations.

Benz(a)anthracene	56-55-3	0.059	3.4
Benzene	71-43-2	0.14	1.0
Benz(g,h,i)perylene	191-24-2	0.0055	1.8
Chrysene	218-01-9	0.059	3.4
Dibenz(a,h)anthracene	53-70-3	0.055	8.2
Ethyl benzene	100-41-4	0.057	1.0
Fluorene	86-73-7	0.059	3.4
Indeno(1,2,3-cd)pyrene	193-39-5	0.0055	3.4
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	81-05-8	0.059	5.6
Pyrene	129-00-0	0.067	8.2
Toluene (Methyl Benzene)	108-88-3	0.080	1.0
Xylenes (Total)	1330-20-7	0.32	3.0

## K171

Spent hydrotreating catalyst from petroleum refining operations, including guard beds used to desulfurize feeds to other catalytic reactors. (This listing does not include inert support media.)

Benz(a)anthracene	56-55-3	0.059	3.4
Benzene	71-43-2	0.14	1.0
Chrysene	218-01-9	0.059	3.4
Ethyl benzene	100-41-4	0.057	1.0
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	81-05-8	0.059	5.6
Pyrene	129-00-0	0.067	8.2

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Toluene (Methyl Benzene)	108-88-3	0.080	1.0
Xylenes (Total)	1330-20-7	0.32	3.0
Arsenic	7740-38-2	1.4	5 mg/l TCLP
Nickel	7440-02-0	3.98	11.0 mg/l TCLP
Vanadium	7440-62-2	4.3	1.6 mg/l TCLP
Reactive sulfides	NA	DEACT	DEACT

## K172

Spent hydrotreating catalyst from petroleum refining operations, including guard beds used to desulfurize feeds to other catalytic reactors. (This listing does not include inert support media.)

Benzene	71-43-2	0.14	1.0
Ethyl benzene	100-41-4	0.057	1.0
Toluene (Methyl Benzene)	108-88-3	0.080	1.0
Xylenes (Total)	1330-20-7	0.32	3.0
Antimony	7740-36-0	1.9	1.15 mg/l TCLP
Arsenic	7740-38-2	1.4	5 mg/l TCLP
Nickel	7440-02-0	3.98	11.0 mg/l TCLP
Vanadium	7440-62-2	4.3	1.6 mg/l TCLP
Reactive Sulfides	NA	DEACT	DEACT

## K174

Wastewater treatment sludge from the production of ethylene dichloride or vinyl chloride monomer.

1,2,3,4,6,7,8-Heptachlorodibenzo-p-dioxin (1,2,3,4,6,7,8-HpCDD)	35822-46-9	0.000035 or	0.0025 or
1,2,3,4,6,7,8-Heptachlorodibenzofuran (1,2,3,4,6,7,8-HpCDF)	67562-39-4	0.000035 or	0.0025 or
1,2,3,4,7,8,9-Heptachlorodibenzofuran (1,2,3,4,7,8,9-HpCDF)	55673-89-7	0.000035 or	0.0025 or
All hexachlorodibenzo-p-dioxins (HxCDDs)	34465-46-8	0.000063 or	0.001 or
All hexachlorodibenzofurans (HxCDFs)	55684-94-1	0.000063 or	0.001 or
1,2,3,4,6,7,8,9-Octachlorodibenzo-p-dioxin (1,2,3,4,6,7,8,9-OCDD)	3268-87-9	0.000063 or	0.005 or
1,2,3,4,6,7,8,9-Octachlorodibenzofuran (1,2,3,4,6,7,8,9-OCDF)	39001-02-0	0.000063 or	0.005 or
All pentachlorodibenzo	36088-22-9	0.000063 or	0.001 or

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

-p-dioxins (PCDDs)			
All pentachloro dibenzofurans (PCDFs)	30402-15-4	CMBST(11) 0.00035 or CMBST(11)	CMBST(11) 0.001 or CMBST(11)
All tetrachlorodibenzo -p-dioxins (TCDDs)	41903-57-5	0.000063 or CMBST(11)	0.001 or CMBST(11)
All tetrachloro-dibenzofurans (TCDFs)	55722-27-5	0.000063 or CMBST(11)	0.001 or CMBST(11)
Arsenic	7440-36-0	1.4	5.0 mg/L TCLP

K175

Wastewater treatment sludge from the production of vinyl chloride monomer using mercuric chloride catalyst in an acetylene-based process.

Mercury(12)	7438-97-6	NA	0.025 mg/L TCLP pH<6.0
PH(12)		NA	

K175

All K175 wastewaters.

Mercury	7438-97-6	0.15	NA
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P001

Warfarin, & salts, when present at concentrations greater than 0.3 percent

Warfarin	81-81-2	(WETOX or CHOXD) fb CAREN; or CMBST	CMBST
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P002

1-Aceyl-2-thiourea  
1-Acetyl-2-thiourea

	591-08-2	(WETOX or CHOXD) fb CAREN; or CMBST	CMBST
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P003

Acrolein  
Acrolein

	107-02-8	0.23	CMBST
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P004

Aldrin  
Aldrin

	309-00-2	0.021	0.066
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P005

Allyl alcohol  
Allyl alcohol

	107-18-6	(WETOX or CHOXD) fb	CMBST
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## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

P006	Aluminum phosphide Aluminum phosphide	20859-73-8	CHOXD; CHRED; or CMBST
			CAREN; or CMBST

P007

5-Aminomethyl-3-isoxazolol  
5-Aminomethyl-3-isoxa-  
zolo1

	2763-96-4	(WETOX or CHOXD) fb CAREN; or CMBST	CMBST
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P008

4-Aminopyridine  
4-Aminopyridine

	504-24-5	(WETOX or CHOXD) fb CAREN; or CMBST	CMBST
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P009

Ammonium picrate  
Ammonium picrate

	131-74-8	CHOXD; CHRED; CAREN; BIDDG; or CMBST	CHOXD; CHRED; or CMBST
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P010

Arsenic acid  
Arsenic

	7440-38-2	1.4	5.0 mg/L TCLP
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P011

Arsenic pentoxide  
Arsenic

	7440-38-2	1.4	5.0 mg/L TCLP
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P012

Arsenic trioxide  
Arsenic

	7440-38-2	1.4	5.0 mg/L TCLP
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P013

Barium cyanide  
Barium  
Cyanides (Total)(7)  
Cyanides (Amenable)(7)

	7440-39-3	NA	21 mg/L TCLP
	57-12-5	1.2	590
	57-12-5	0.86	30

P014

Thiophenol (Benzene thiol)

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

P015 Thiophenol (Benzene thiol)	108-98-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	
P016 Beryllium dust Beryllium	7440-41-7	RMETL; or RTHRM	RMETL; or RTHRM	
P017 Dichloromethyl ether (Bis(chloromethyl)ether) Dichloromethyl ether	542-88-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	
P018 Bromoacetone Bromoacetone	598-31-2	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	
P019 Brucine Brucine	357-57-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	
P020 2-sec-Butyl-4,6-dinitrophenol (Dinoseb) 2-sec-Butyl-4,6-dinitrophenol (Dinoseb)	88-85-7	0.066	2.5	
P021 Calcium cyanide Cyanides (Total)(7) Cyanides (Amenable)(7)	57-12-5 57-12-5	1.2 0.86	590 30	
P022 Carbon disulfide Carbon disulfide Carbon disulfide; alternate(6) standard for nonwastewaters only	75-15-0 75-15-0	3.8 NA	CMBST 4.8 mg/l TCLP	

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## NOTICE OF PROPOSED AMENDMENTS

P023 Chloroacetaldehyde Chloroacetaldehyde	107-20-0	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	
P024 p-Chloroaniline p-Chloroaniline	106-47-8	0.46	16	
P026 1-(o-Chlorophenyl)thiourea 1-(o-Chlorophenyl)thio- urea	5344-82-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	
P027 3-Chloropropionitrile 3-Chloropropionitrile	542-76-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	
P028 Benzyl chloride Benzyl chloride	100-44-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	
P029 Copper cyanide Cyanides (Total)(7) Cyanides (Amenable)(7)	57-12-5 57-12-5	1.2 0.86	590 30	
P030 Cyanides (soluble salts and complexes) Cyanides (Total)(7) Cyanides (Amenable)(7)	57-12-5 57-12-5	1.2 0.86	590 30	
P031 Cyanogen Cyanogen	460-19-5	CHOXD; WETOX; or CMBST	CHOXD; WETOX; or CMBST	
P033				



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Cyanogen chloride	506-77-4	CHOXD; WETOX; or CMBST	CHOXD; WETOX; or CMBST
Cyanogen chloride			
P034			
2-Cyclohexyl-4,6-dinitrophenol			
2-Cyclohexyl-4,6-dinitrophenol	131-89-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P036			
Dichlorophenylarsine			
Arsenic	7440-38-2	1.4	5.0 mg/l TCLP
P037			
Diieldrin			
Diieldrin	60-57-1	0.017	0.13
P038			
Diethylarsine			
Arsenic	7440-38-2	1.4	5.0 mg/l TCLP
P039			
Disulfoton			
Disulfoton	298-04-4	0.017	6.2
P040			
O,O-Diethyl-O-pyrazinyl-phosphorothioate			
O,O-Diethyl-O-pyrazinyl-phosphorothioate	297-97-2	CARBN; or CMBST	CMBST
P041			
Diethyl-p-nitrophenyl phosphate			
Diethyl-p-nitrophenyl phosphate	311-45-5	CARBN; or CMBST	CMBST
P042			
Epinephrine			
Epinephrine	51-43-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P043			
Diisopropylfluorophosphate (DFP)			
Diisopropylfluorophosphate (DFP)	55-91-4	CARBN; or CMBST	CMBST
P044			
Dimethoate			
Dimethoate	60-51-5	CARBN; or CMBST	CMBST
P045			
Thiofanox			
Thiofanox	39196-18-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P046			
alpha,alpha-Dimethylphenethylamine			
alpha,alpha-Dimethylphenethylamine	122-09-8	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P047			
4,6-Dinitro-o-cresol			
4,6-Dinitro-o-cresol	543-52-1	0.28	160
P047			
4,6-Dinitro-o-cresol salts			
4,6-Dinitro-o-cresol salts	NA	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P048			
2,4-Dinitrophenol			
2,4-Dinitrophenol	51-28-5	0.12	160
P049			
Dithiobiuret			
Dithiobiuret	541-53-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P050			
Endosulfan			
Endosulfan I	939-98-8	0.023	0.066
Endosulfan II	33213-6-5	0.029	0.13
Endosulfan sulfate	1031-07-8	0.029	0.13
P051			



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Methyl hydrazine Methyl hydrazine	60-34-4	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED, or CMBST	Nitric oxide Nitric oxide P077	10102-43-9	ADGAS	ADGAS
P069 2-Methylacetonitrile 2-Methylacetonitrile	75-86-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	p-Nitroaniline P078 Nitrogen dioxide Nitrogen dioxide	100-01-6	0.028	28
P070 Aldicarb Aldicarb	116-06-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	P081 Nitroglycerin Nitroglycerin	10102-44-0	ADGAS	ADGAS
P071 Methyl parathion Methyl parathion	298-00-0	0.014	4.6	P082 N-Nitrosodimethylamine N-Nitrosodimethylamine	55-63-0	CHOXD; CHRED; CARBN; BIODG or CMBST	CHOXD; CHRED; or CMBST
P072 1-Naphthyl-2-thiourea 1-Naphthyl-2-thiourea	86-88-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	P084 N-Nitrosomethylvinylamine N-Nitrosomethylvinyl- amine	4549-40-0	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P073 Nickel carbonyl Nickel	7440-02-0	3.98	11 mg/l TCLP	P085 Octamethylpyrophosphoramide Octamethylpyrophosphor- amide	152-16-9	CARBN; or CMBST	CMBST
P074 Nickel cyanide Cyanides (Total)(7) Cyanides (Amenable)(7) Nickel	57-12-5 57-12-5 7440-02-0	1.2 0.86 3.98	590 30 11 mg/l TCLP	P087 Osmium tetroxide Osmium tetroxide	20816-12-0	RMETL; or RTHRM	RMETL; or RTHRM
P075 Nicotine and salts Nicotine and salts	54-11-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	P088 Endothall Endothall	145-73-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P076 Parathion Parathion	56-38-2	0.014	1.4	P089 Parathion Parathion	56-38-2	0.014	1.4

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P092  
P092 (phenyl mercuric acetate) nonwastewaters, regardless of their total mercury content, that are not incinerator residues or are not residues from RMERC.

Mercury 7439-97-6 NA IMERC; or RMERC

P092  
P092 (phenyl mercuric acetate) nonwastewaters that are either incinerator residues or are residues from RMERC; and still contain greater than or equal to 260 mg/kg total mercury.

Mercury 7439-97-6 NA RMERC

P092  
P092 (phenyl mercuric acetate) nonwastewaters that are residues from RMERC and contain less than 260 mg/kg total mercury.

Mercury 7439-97-6 NA 0.20 mg/l TCLP

P092  
P092 (phenyl mercuric acetate) nonwastewaters that are incinerator residues and contain less than 260 mg/kg total mercury.

Mercury 7439-97-6 NA 0.025 mg/l TCLP

P092  
All P092 (phenyl mercuric acetate) wastewaters.

Mercury 7439-97-6 0.15 NA

P093  
Phenylthiourea

Phenylthiourea 103-85-5 (WETOX or CHOXD) fb CARBN; or CMBST

P094  
Phorate

Phorate 298-02-2 0.021 4.6

P095  
Phosgene

Phosgene 75-44-5 (WETOX or CHOXD) fb CARBN; or CMBST

P096  
Phosphine

Phosphine 75-44-5 (WETOX or CHOXD) fb CARBN; or CMBST

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Phosphine 7803-51-2 CHOXD; CHRED; or CMBST

P097 Famphur 52-85-7 0.017 15

P098 Potassium cyanide 57-12-5 1.2 590  
Cyanides (Total)(7) 57-12-5 0.86 30  
Cyanides (Amenable)(7)

P099 Potassium silver cyanide 57-12-5 1.2 590  
Cyanides (Total)(7) 57-12-5 0.86 30  
Cyanides (Amenable)(7) 7440-22-4 0.43 0.14 mg/l TCLP  
Silver

P101 Ethyl cyanide (Propanenitrile) 107-12-0 0.24 360  
Ethyl cyanide (Propanenitrile)

P102 Propargyl alcohol 107-19-7 (WETOX or CHOXD) fb CARBN; or CMBST  
Propargyl alcohol

P103 Selenourea 7782-49-2 0.82 5.7 mg/l TCLP  
Selenium

P104 Silver cyanide 57-12-5 1.2 590  
Cyanides (Total)(7) 57-12-5 0.86 30  
Cyanides (Amenable)(7) 7440-22-4 0.43 0.14 mg/l TCLP  
Silver

P105 Sodium azide 26628-22-8 CHOXD; CHRED; CARBN; BLOOD; or CMBST  
Sodium azide

P106 Sodium cyanide 57-12-5 1.2 590  
Cyanides (Total)(7)

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Cyanides (Amenable)(7) 57-12-5 0.86 30

Pl08

Strychnine and salts  
Strychnine and salts

57-24-9 (WETOX or  
CHOXD) fb  
CAREN; or  
CMBST

CMBST

Pl09

Tetraethylthiopyrophosphate  
Tetraethylthiopyro- 3689-24-5  
phosphate

CAREN; or  
CMBST

CMBST

Pl10

Tetraethyl lead

Lead

7439-92-1

0.69

0.75 mg/l TCLP

Pl11

Tetraethylpyrophosphate  
Tetraethylpyrophosphate

107-49-3

CAREN; or  
CMBST

CMBST

Pl12

Tetranitromethane  
Tetranitromethane

509-14-8

CHOXD; CHRED;  
CAREN; BIODG;  
or CMBST

CHOXD; CHRED;  
or CMBST

Pl13

Thallic oxide  
Thallium (measured in  
wastewaters only)

7440-28-0

1.4

RTRM; or  
STABL

Pl14

Thallium selenite  
Selenium

7782-49-2

0.82

5.7 mg/l TCLP

Pl15

Thallium (I) sulfate  
Thallium (measured in  
wastewaters only)

7440-28-0

1.4

RTRM; or  
STABL

Pl16

Thiosemicarbazide  
Thiosemicarbazide

79-19-6

(WETOX or  
CHOXD) fb  
CAREN; or

CMBST

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CMBST

Pl18

Trichloroethanethiol  
Trichloroethanethiol

75-70-7

(WETOX or  
CHOXD) fb  
CARN; or  
CMBST

CMBST

Pl19

Ammonium vanadate  
Vanadium (measured in  
wastewaters only)

7440-62-2

4.3

STABL

Pl20

Vanadium pentoxide  
Vanadium (measured in  
wastewaters only)

7440-62-2

4.3

STABL

Pl21

Zinc cyanide  
Cyanides (Total)(7)  
Cyanides (Amenable)(7)

57-12-5  
57-12-5

1.2  
0.86

590  
30

Pl22  
Zinc phosphide Zn[3]P[2], when present at concentrations greater than 10 percent  
Zinc Phosphide 1314-84-7  
CHOXD; CHRED;  
or CMBST

CHOXD; CHRED;  
or CMBST

1314-84-7

CHOXD; CHRED;  
or CMBST

Pl23

Toxaphene

8001-35-2

0.0095

2.6

Pl27

Carbofuran  
Carbofuran

1563-66-2

0.006

0.14

Pl28

Mexacarbate  
Mexacarbate

315-18-4

0.056

1.4

Pl85

Tirpate(10)  
Tirpate

26419-73-8

0.056

0.28

Pl88

Phystostigmine salicylate



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Physostigmine salicylate	57-64-7	0.056	1.4
P189 Carbosulfan	5285-14-8	0.028	1.4
P190 Metolcarb	1129-41-5	0.056	1.4
P191 Dimetilan(10) Dimetilan	644-64-4	0.056	1.4
P192 Isolan(10) Isolan	119-38-0	0.056	1.4
P194 Oxamyl	23135-22-0	0.056	0.0028
P196 Manganese dimethyldithiocarbamates (total) Dithiocarbamates (total)	NA	0.028	28
P197 Formaranate(10) Formaranate	17702-57-7	0.056	1.4
P198 Formetanate hydrochloride	23422-53-9	0.056	1.4
P199 Methiocarb	2032-65-7	0.056	1.4
P201 Promecarb	2631-37-0	0.056	1.4
P202 m-Cumenyl methylcarbamate			

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m-Cumenyl methyl- carbamate	64-00-6	0.056	1.4
P203 Aldicarb sulfone	1646-88-4	0.056	0.28
P204 Physostigmine	57-47-6	0.056	1.4
P205 Zirman Dithiocarbamates (total)	NA	0.028	28
U001 Acetaldehyde	75-07-0	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U002 Acetone	67-64-1	0.28	160
U003 Acetonitrile	75-05-8	5.6	CMBST
Acetonitrile; alternate (6) standard for nonwastewaters only	75-05-8	NA	38
U004 Acetophenone	98-86-2	0.010	9.7
U005 2-Acetylaminofluorene	53-96-3	0.059	140
U006 Acetyl chloride	75-36-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

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CMBST

U007 Acrylamide Acrylamide	79-06-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST			
U008 Acrylic acid Acrylic acid	79-10-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST			
U009 Acrylonitrile Acrylonitrile	107-13-1	0.24	84			
U010 Mitomycin C Mitomycin C	50-07-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST			
U011 Amitrole Amitrole	61-82-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST			
U012 Aniline Aniline	62-53-3	0.81	14			
U014 Auramine Auramine	492-60-8	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST			
U015 Azaserine Azaserine	115-02-6	(WETOX or	CMBST			

## POLLUTION CONTROL BOARD

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CHOXD) fb  
CARBN; or  
CMBST

U016 Benz(c)acridine Benz(c)acridine	225-51-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST			
U017 Benzal chloride Benzal chloride	98-87-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST			
U018 Benz(a)anthracene Benz(a)anthracene	56-55-3	0.059	3.4			
U019 Benzene Benzene	71-43-2	0.14	10			
U020 Benzenesulfonyl chloride Benzenesulfonyl chloride	98-09-9	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST			
U021 Benzidine Benzidine	92-87-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST			
U022 Benzo(a)pyrene Benzo(a)pyrene	50-32-8	0.061	3.4			
U023 Benzotrichloride Benzotrichloride	98-07-7	CHOXD; CHRED; CARBN; BIOOG;	CHOXD; CHRED; or CMBST			

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U024	Bis(2-Chloroethoxy)methane	7.2	
	bis(2-Chloroethoxy)-111-91-1 methane	0.036	or CMBST
U025	Bis(2-Chloroethyl)ether	6.0	
	bis(2-Chloroethyl)ether 111-44-4	0.033	
U026	Chloronaphazene		
	Chloronaphazene 494-03-1		(WETOX or CHOXD) fb CARBN; or CMBST
U027	bis(2-Chloroisopropyl)ether		
	bis(2-Chloroisopropyl) 39638-32-9 ether	0.055	7.2 CMBST
U028	bis(2-Ethylhexyl)phthalate		
	bis(2-Ethylhexyl)-117-81-7 phthalate	0.28	28
U029	Methyl bromide (Bromomethane)		
	Methyl bromide (Bromo-74-83-9 methane)	0.11	15
U030	4-Bromophenyl phenyl ether		
	4-Bromophenyl phenyl 101-55-3 ether	0.055	15
U031	n-Butyl alcohol		
	n-Butyl alcohol 71-36-3	5.6	2.6
U032	Calcium chromate		
	Chromium (Total) 7440-47-3	2.77	0.60 mg/l TCLP
U033	Carbon oxyfluoride		

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	Carbon oxyfluoride	353-50-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U034	Trichloroacetaldehyde (Chloral)			
	Trichloroacetaldehyde 75-87-6 (Chloral)		(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U035	Chlorambucil			
	Chlorambucil 305-03-3		(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U036	Chlordane			
	Chlordane (alpha and gamma isomers) 57-74-9		0.0033	0.26
U037	Chlorobenzene			
	Chlorobenzene 108-90-7		0.057	6.0
U038	Chlorobenzilate			
	Chlorobenzilate 510-15-6		0.10	CMBST
U039	p-Chloro-m-cresol			
	p-Chloro-m-cresol 59-50-7		0.018	14
U041	Epichlorohydrin (1-Chloro-2,3-epoxypropane)			
	Epichlorohydrin (1-Chloro-2,3-epoxypropane) 106-89-8		(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U042	2-Chloroethyl vinyl ether			
	2-Chloroethyl vinyl 110-75-8 ether		0.062	CMBST

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U043 Vinyl chloride Vinyl chloride	75-01-4	0.27	6.0	30
U044 Chloroform Chloroform	67-66-3	0.046	6.0	0.75 mg/l TCLP
U045 Chloromethane (Methyl chloride) Chloromethane (Methyl chloride)	74-87-3	0.19	30	5.6 5.6
U046 Chloromethyl methyl ether Chloromethyl methyl ether	107-30-2	(WETOX or CHOXD) fb CARBN; or CMBST	5.6	11.2
U047 2-Chloronaphthalene 2-Chloronaphthalene	91-58-7	0.055	5.6	CMBST
U048 2-Chlorophenol 2-Chlorophenol	95-57-8	0.044	5.7	CMBST
U049 4-Chloro-o-toluidine hydrochloride 4-Chloro-o-toluidine hydrochloride	3165-93-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	CMBST
U050 Chrysene Chrysene	218-01-9	0.059	3.4	CMBST
U051 Creosote Naphthalene Pentachlorophenol Phenanthrene Pyrene Toluene	91-20-3 87-86-5 85-01-8 129-00-0 108-88-3	0.059 0.069 0.059 0.067 0.080	5.6 7.4 5.6 8.2 1.0	CMBST 0.75 mg/l TCLP
U052 Cresols (Cresylic acid) o-Cresol m-Cresol (difficult to distinguish from p-cresol) p-Cresol (difficult to distinguish from m-cresol) Cresol-mixed isomers (Cresylic acid) (sum of o-, m-, and p-cresol concentrations)	95-48-7 108-39-4 106-44-5 1319-77-3	0.11 0.77 0.77 0.88	5.6 5.6 5.6 11.2	
U053 Crotonaldehyde Crotonaldehyde	4170-30-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	CMBST
U055 Cumene Cumene	98-82-8	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	CMBST
U056 Cyclohexane Cyclohexane	110-82-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	CMBST
U057 Cyclohexanone Cyclohexanone Cyclohexanone; alternate(6) standard for nonwastewaters only	108-94-1 108-94-1	0.36 NA	CMBST 0.75 mg/l TCLP	CMBST 0.75 mg/l TCLP

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Cyclophosphamide Cyclophosphamide	50-18-0	CAREN; or CMBS	CMBS	15
U059	20830-81-3	(WETOX or CHOXD) fb CAREN; or CMBS	CMBS	15
Daunomycin				
U060	53-19-0	0.023	0.087	15
DDD	72-54-8	0.023	0.087	15
P,p'-DDD				
U061	789-02-6	0.0039	0.087	28
DDT	50-29-3	0.0039	0.087	6.0
O,p'-DDT	53-19-0	0.023	0.087	6.0
P,p'-DDD	72-54-8	0.023	0.087	6.0
O,p'-DDE	3424-82-6	0.031	0.087	6.0
P,p'-DDE	72-55-9	0.031	0.087	6.0
U062	2303-16-4	(WETOX or CHOXD) fb CAREN; or CMBS	CMBS	CMBS
Diallate				
Diallate				
U063	53-70-3	0.055	8.2	CMBS
Dibenz(a,h)anthracene				
U064	189-55-9	(WETOX or CHOXD) fb CAREN; or CMBS	CMBS	CMBS
Dibenz(a,i)pyrene				
Dibenz(a,i)pyrene				
U066	96-12-8	0.11	15	7.2
1,2-Dibromo-3-chloro- propane				
1,2-Dibromo-3- chloropropane				

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Ethylene dibromide (1,2-Dibromoethane) Ethylene dibromide (1,2-Dibromoethane)	106-93-4	0.028	15
U067	74-95-3	0.11	15
Dibromomethane			
U068	84-74-2	0.057	28
Di-n-butyl phthalate			
U069	95-50-1	0.088	6.0
Di-n-butyl phthalate			
U070	541-73-1	0.036	6.0
O-Dichlorobenzene			
U071	106-46-7	0.090	6.0
m-Dichlorobenzene			
U072			
p-Dichlorobenzene			
U073	91-94-1	(WETOX or CHOXD) fb CAREN; or CMBS	CMBS
3,3'-Dichlorobenzidine			
U074	1476-11-5	(WETOX or CHOXD) fb CAREN; or CMBS	CMBS
1,4-Dichloro-2-butene			
U075	764-41-0	(WETOX or CHOXD) fb CAREN; or CMBS	CMBS
cis-1,4-Dichloro-2-butene			
U076	75-71-8	0.23	7.2
trans-1,4-Dichloro-2-butene			
U077			
Dichlorodifluoromethane			
U078			
Dichlorodifluoromethane			



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1,1-Dichloroethane 1,1-Dichloroethane	75-34-3 0.059 6.0	N,N'-Diethylhydrazine	1615-80-1 CHOD; CHRED; CARN; BIODG; or CMBST
U077 1,2-Dichloroethane 1,2-Dichloroethane	107-06-2 0.21 6.0	U087 O,O-Diethyl-S-methyldithiophosphate O,O-Diethyl-S-methyl- dithiophosphate	3288-58-2 CARN; or CMBST
U078 1,1-Dichloroethylene 1,1-Dichloroethylene	75-35-4 0.025 6.0	U088 Diethyl phthalate Diethyl phthalate	84-66-2 0.20 28
U079 1,2-Dichloroethylene trans-1,2-Dichloro- ethylene	156-60-5 0.054 30	U089 Diethyl stilbestrol Diethyl stilbestrol	56-53-1 (WETOX or CHOD) fb CARN; or CMBST
U080 Methylene chloride Methylene chloride	75-09-2 0.089 30	U090 Dihydrosafrole Dihydrosafrole	94-58-6 (WETOX or CHOD) fb CARN; or CMBST
U081 2,4-Dichlorophenol 2,4-Dichlorophenol	120-83-2 0.044 14	U091 3,3'-Dimethoxybenzidine 3,3'-Dimethoxybenzidine	119-90-4 (WETOX or CHOD) fb CARN; or CMBST
U082 2,6-Dichlorophenol 2,6-Dichlorophenol	87-65-0 0.044 14	U092 Dimethylamine Dimethylamine	124-40-3 (WETOX or CHOD) fb CARN; or CMBST
U083 1,2-Dichloropropane 1,2-Dichloropropane	78-87-5 0.85 18	U093 p-Dimethylaminobenzene p-Dimethyl- aminobenzene	60-11-7 0.13 CMBST
U084 1,3-Dichloropropylene cis-1,3-Dichloro- propylene	10061-01-5 0.036 18	U094 7,12-Dimethylbenz(a) anthracene	57-97-6 (WETOX or CMBST
trans-1,3-Dichloro- propylene	10061-02-6 0.036 18		
U085 1,2,3,4-Diepoxybutane 1,2,3,4-Diepoxybutane	1464-53-5 (WETOX or CHOD) fb CARN; or CMBST		
U086 N,N'-Diethylhydrazine			

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anthracene	CHOD; fb CAREN; or CMBST	
U095 3,3'-Dimethylbenzidine		
3,3'-Dimethylbenzidine	(WETOX or CHOD) fb CAREN; or CMBST	CMBST
U096 alpha, alpha-Dimethyl benzyl hydroperoxide		
alpha, alpha-Dimethyl benzyl hydroperoxide	CHOD; CHRED; CAREN; BIODG; or CMBST	CHOD; CHRED; or CMBST
U097 Dimethylcarbamoyl chloride		
Dimethylcarbamoyl chloride	(WETOX or CHOD) fb CAREN; or CMBST	CMBST
U098 1,1-Dimethylhydrazine		
1,1-Dimethylhydrazine	CHOD; CHRED; CAREN; BIODG; or CMBST	CHOD; CHRED; or CMBST
U099 1,2-Dimethylhydrazine		
1,2-Dimethylhydrazine	CHOD; CHRED; CAREN; BIODG; or CMBST	CHOD; CHRED; or CMBST
U101 2,4-Dimethylphenol		
2,4-Dimethylphenol	0.036	14
U102 Dimethyl phthalate		
Dimethyl phthalate	0.047	28
U103 Dimethyl sulfate		
Dimethyl sulfate	CHOD; CHRED; CAREN; BIODG; or CMBST	CHOD; CHRED; or CMBST
U105		

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2,4-Dinitrotoluene	121-14-2	0.32	140
U106 2,6-Dinitrotoluene			
2,6-Dinitrotoluene	606-20-2	0.55	28
U107 Di-n-octyl phthalate			
Di-n-octyl phthalate	117-84-0	0.017	28
U108 1,4-Dioxane			
1,4-Dioxane	123-91-1	(WETOX or CHOD) fb CAREN; or CMBST	CMBST
1,4-Dioxane; alternate (6) standard for nonwastewaters only	123-91-1	12.0	170
U109 1,2-Diphenylhydrazine			
1,2-Diphenylhydrazine	122-66-7	CHOD; CHRED; CAREN; BIODG; or CMBST	CHOD; CHRED; or CMBST
1,2-Diphenylhydrazine; alternate(6) standard for wastewaters only	122-66-7	0.087	NA
U110 Dipropylamine			
Dipropylamine	142-84-7	(WETOX or CHOD) fb CAREN; or CMBST	CMBST
U111 Di-n-propylnitrosamine			
Di-n-propylnitrosamine	621-64-7	0.40	14
U112 Ethyl acetate			
Ethyl acetate	141-78-6	0.34	33
U113 Ethyl acrylate			

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ethyl acrylate 140-88-5 (WETOX or CHOXD) fb  
CARBN; or  
CMBST

U114

Ethylenebis(dithiocarbamic acid salts and esters  
Ethylenebis(dithiocarbamic acid 111-54-6 (WETOX or CHOXD) fb  
CARBN; or  
CMBST

U115

Ethylene oxide  
Ethylene oxide 75-21-8 (WETOX or CHOXD) fb  
CARBN; or  
CMBST

Ethylene oxide; alternate(6) standard for wastewaters only 75-21-8 0.12 NA

U116

Ethylene thiourea  
Ethylene thiourea 96-45-7 (WETOX or CHOXD) fb  
CARBN; or  
CMBST

U117

Ethyl ether  
Ethyl ether 60-29-7 0.12 160

U118

Ethyl methacrylate  
Ethyl methacrylate 97-63-2 0.14 160

U119

Ethyl methane sulfonate  
Ethyl methane sulfonate 62-50-0 (WETOX or CHOXD) fb  
CARBN; or  
CMBST

U120

Fluoranthene  
Fluoranthene 206-44-0 0.068 3.4

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U121 Trichloromonofluoromethane 75-69-4 0.020 30  
methane

U122

Formaldehyde 50-00-0 (WETOX or CHOXD) fb  
CARBN; or  
CMBST

U123

Formic acid 64-18-6 (WETOX or CHOXD) fb  
CARBN; or  
CMBST

U124

Furan 110-00-9 (WETOX or CHOXD) fb  
CARBN; or  
CMBST

U125

Furfural 98-01-1 (WETOX or CHOXD) fb  
CARBN; or  
CMBST

U126

Glycidylaldehyde 765-34-4 (WETOX or CHOXD) fb  
CARBN; or  
CMBST

U127

Hexachlorobenzene 118-74-1 0.055 1.0

U128

Hexachlorobutadiene 87-68-3 0.055 5.6







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U163 N-Methyl-N'-nitro-N-nitrosoguanidine N-Methyl-N'-nitro-N-nitrosoguanidine	70-25-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U164 Methylthiouracil Methylthiouracil	56-04-2	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U165 Naphthalene Naphthalene	91-20-3	0.059	5.6
U166 1,4-Naphthoquinone 1,4-Naphthoquinone	130-15-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U167 1-Naphthylamine 1-Naphthylamine	134-32-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U168 2-Naphthylamine 2-Naphthylamine	91-59-8	0.52	CMBST
U169 Nitrobenzene Nitrobenzene	98-95-3	0.068	14
U170 p-Nitrophenol p-Nitrophenol	100-02-7	0.12	29
U171 2-Nitropropane 2-Nitropropane	79-46-9	(WETOX or CHOXD) fb	CMBST

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U172 N-Nitrosodi-n-butylamine N-Nitrosodi-n-butylamine	924-16-3	0.40	17	CARBN; or CMBST
U173 N-Nitrosodiethanolamine N-Nitrosodiethanol- amine	1116-54-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	
U174 N-Nitrosodiethylamine N-Nitrosodiethylamine	55-18-5	0.40	28	
U 76 N-Nitroso-N-ethylurea N-Nitroso-N-ethylurea	759-73-9	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	
U177 N-Nitroso-N-methylurea N-Nitroso-N-methylurea	684-93-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	
U178 N-Nitroso-N-methylurethane N-Nitroso-N-methyl- urethane	615-53-2	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	
U179 N-Nitrosopiperidine N-Nitrosopiperidine	100-75-4	0.013	35	
U180 N-Nitrosopyrrolidine N-Nitrosopyrrolidine	930-55-2	0.013	35	

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U181 5-Nitro-o-toluidine 5-Nitro-o-toluidine	99-55-8	0.32	28
U182 Paraldehyde Paraldehyde	123-63-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U183 Pentachlorobenzene Pentachlorobenzene	608-93-5	0.055	10
U184 Pentachloroethane Pentachloroethane	76-01-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
Pentachloroethane; alternate(6) standards for both wastewaters and nonwastewaters	76-01-7	0.055	6.0
U185 Pentachloronitrobenzene Pentachloronitrobenzene	82-68-8	0.055	4.8
U186 1,3-Pentadiene 1,3-Pentadiene	504-60-9	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U187 Phenacetin Phenacetin	62-44-2	0.081	16
U188 Phenol Phenol	108-95-2	0.039	6.2
U189 Phosphorus sulfide Phosphorus sulfide	1314-80-3	CHOXD; CHRED;	CHOXD; CHRED;

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U190 Phthalic anhydride Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	100-21-0	0.055	28
U191 Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	85-44-9	0.055	28
U191 2-Picoline 2-Picoline	109-06-8	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U192 Pronamide Pronamide	23950-58-5	0.093	1.5
U193 1,3-Propane sultone 1,3-Propane sultone	1120-71-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U194 n-Propylamine n-Propylamine	107-10-8	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U196 Pyridine Pyridine	110-86-1	0.014	16
U197 p-Benzoquinone p-Benzoquinone	106-51-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

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U200 Reserpine Reserpine	50-55-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	ethane		
U201 Resorcinol Resorcinol	108-46-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	U209 1,1,1,2,2-Tetrachloroethane 1,1,1,2,2-Tetrachloro- ethane	79-34-5 0.057	6.0
U202 Saccharin and salts Saccharin	81-07-2	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	U210 Tetrachloroethylene Tetrachloroethylene	127-18-4 0.056	6.0
U203 Safrole Safrole	94-59-7	0.081	22	U211 Carbon tetrachloride Carbon tetrachloride	56-23-5 0.057	6.0
U204 Selenium dioxide Selenium	7782-49-2	0.82	5.7 mg/l TCLP	U213 Tetrahydrofuran Tetrahydrofuran	109-99-9 (WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U205 Selenium sulfide Selenium	7782-49-2	0.82	5.7 mg/l TCLP	U214 Thallium (I) acetate Thallium (measured in wastewaters only)	7440-28-0 1.4	RTHRM; or STABL
U206 Streptozotocin Streptozotocin	18883-66-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	U215 Thallium (I) carbonate Thallium (measured in wastewaters only)	7440-28-0 1.4	RTHRM; or STABL
U207 1,2,4,5-Tetrachlorobenzene 1,2,4,5-Tetrachloro- benzene	95-94-3	0.055	14	U216 Thallium (I) chloride Thallium (measured in wastewaters only)	7440-28-0 1.4	RTHRM; or STABL
U208 1,1,1,2-Tetrachloroethane 1,1,1,2-Tetrachloro-	630-20-6	0.057	6.0	U217 Thallium (I) nitrate Thallium (measured in wastewaters only)	7440-28-0 1.4	RTHRM; or STABL
				U218 Thioacetamide Thioacetamide	62-55-5 (WETOX or CHOXD) fb CARBN; or CMBST	CMBST

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U219 Thiourea Thiourea	62-56-6	(WETOX or CHOXD) fb CARN; or CMBST	CMBST	
U220 Toluene Toluene	108-88-3	0.080	10	
U221 Toluenediamine Toluenediamine	25376-45-8	CARN; or CMBST	CMBST	
U222 o-Toluidine hydrochloride o-Toluidine hydro- chloride	636-21-5	(WETOX or CHOXD) fb CARN; or CMBST	CMBST	
J273 Toluene diisocyanate Toluene diisocyanate	26471-62-5	CARN; or CMBST	CMBST	
U225 Bromoform (Tribromomethane) Bromoform (Tribromo- methane)	75-25-2	0.63	15	
U226 1,1,1-Trichloroethane 1,1,1-Trichloroethane	71-55-6	0.054	6.0	
U227 1,1,2-Trichloroethane 1,1,2-Trichloroethane	79-00-5	0.054	6.0	
U228 Trichloroethylene Trichloroethylene	79-01-6	0.054	6.0	
U234 1,3,5-Trinitrobenzene 1,3,5-Trinitrobenzene	99-35-4	(WETOX or	CMBST	
U235 tris-(2,3-Dibromopropyl)-phosphate tris-(2,3-Dibromo- propyl)-phosphate	126-72-7	0.11	0.10	
U236 Trypan Blue Trypan Blue	72-57-1	(WETOX or CHOXD) fb CARN; or CMBST	CMBST	
U237 Uracil mustard Uracil mustard	66-75-1	(WETOX or CHOXD) fb CARN; or CMBST		
U238 Urethane (Ethyl carbamate) Urethane (Ethyl carbamate)	51-79-6	(WETOX or CHOXD) fb CARN; or CMBST	CMBST	
U239 Xylenes Xylenes-mixed isomers (sum of o-, m-, and p- xylene concentrations)	1330-23-7	0.1		
U240 2,4-D (2,4-Dichlorophenoxyacetic acid) 2,4-D (2,4-Dichloro- phenoxyacetic acid) 2,4-D (2,4-Dichloro- phenoxyacetic acid) salts and esters	91-75-7 NA	0.12 (WETOX or CHOXD) fb CARN; or CMBST		
U243 Hexachloropropylene Hexachloropropylene	1888-71-7	0.035	30	

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U244 Thiram	137-26-8	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U246 Cyanogen bromide	506-68-3	CHOXD; WETOX; or CMBST	CHOXD; WETOX; or CMBST
U247 Methoxychlor	72-43-5	0.25	0.18
U248 Warfarin, & salts, when present at concentrations of 0.3 percent or less	81-81-2	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U249 Zinc phosphide, Zn(3)P(2), when present at concentrations of 10 percent or less	1314-84-7	CHOXD; CHRED; or CMBST	CHOXD; CHRED; or CMBST
U271 Benomyl	17804-35-2	0.056	1.4
U278 Bendiocarb	22781-23-3	0.056	1.4
U279 Carbaryl	63-25-2	0.006	0.14
U280 Barban	101-27-9	0.056	1.4
U288 o-Toluidine	95-53-4	CMBST; or CHOXD fb	CMBST
U353 p-Toluidine	106-49-0	CMBST; or CHOXD fb (BIOGS or CARBN); or BIOGC fb CARBN	CMBST
U359 2-Ethoxyethanol	110-80-5	CMBST; or CHOXD fb (BIOGS or CARBN); or BIOGC fb CARBN	CMBST
U364 Bendiocarb phenol(10)	22961-82-6	0.056	1.4
U367 Carbofuran phenol	1563-38-8	0.056	1.4
U372 Carbendazim	10605-21-7	0.056	1.4
U373 Propham	122-42-9	0.056	1.4
U387 Prosulfocarb	52888-80-9	0.042	1.4
U389 Triallate	2303-17-5	0.042	1.4
U394 A2213(10)	30558-43-1	0.042	1.4



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combustion in fuel substitution units operating in accordance with applicable technical requirements. A facility may comply with these treatment standards according to provisions in 35 Ill. Adm. Code 728.140(d). All concentration standards for nonwastewaters are based on analysis of grab samples.

Where an alternate treatment standard or set of alternate standards has been indicated, a facility may comply with this alternate standard, but only for the Treatment or Regulatory Subcategory or Subcategory term (i.e., wastewater or nonwastewater) specified for that alternate standard.

Both Cyanides (Total) and Cyanides (Amenable) for nonwastewaters are to be analyzed using Method 9010 or 9012, found in "Test Methods for Evaluating Solid Waste, Physical or Chemical Methods", USEPA Publication SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111, with a sample size of 10 grams and a distillation time of one hour and 15 minutes.

8 These wastes, when rendered non-hazardous and then subsequently managed in CWA or CWA-equivalent systems, are not subject to treatment standards. (See Section 728.101(c)(3) and (c)(4).)

9 These wastes, when rendered non-hazardous and then subsequently injected in a Class I SSWA well, are not subject to treatment standards. (See 35 Ill. Adm. Code 739.101(d).)

10 The treatment standard for this waste may be satisfied by either meeting the constituent concentrations in the table in this Section or by treating the waste by specified technologies: combustion, as defined by the technology code CMSPR at Table C, for nonwastewaters; and biodegradation, as defined by the technology code BIODG; carbon adsorption, as defined by the technology code CARBN; chemical oxidation, as defined by the technology code CHOXD; or combustion, as defined as technology code CMSPR, at Table C, for wastewaters.

11 For these wastes, the definition of CMSPR is limited to any of the following that have obtained a determination of equivalent treatment under Section 728.142(b): (1) combustion units operating under 35 Ill. Adm. Code 726, (2) combustion units permitted under 35 Ill. Adm. Code 724, Subpart O, or (3) combustion units operating under 35 Ill. Adm. Code 725, Subpart O.

12 Disposal of USEPA hazardous waste number K175 waste that has complied with all applicable Section 728.101 treatment standards must also be macroencapsulated in accordance with Table F of this Part unless the waste is placed in either of the following types of facilities:  
a) A RCRA Subtitle C monofill containing only K175 wastes that meet

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U395 Diethylene glycol, dicarbamate(10) Diethylene glycol, dicarbamate	0.056	1.4
U404 Triethylamine Triethylamine	0.081	1.5
U409 Thiophanate-methyl Thiophanate-methyl	0.056	1.4
U410 Thiodicarb Thiodicarb	0.019	1.4
U411 Propoxur Propoxur	0.056	1.4

Notes:

- The waste descriptions provided in this table do not replace waste descriptions in 35 Ill. Adm. Code 721. Descriptions of Treatment or Regulatory Subcategories are provided, as needed, to distinguish between applicability of different standards.
- CAS means Chemical Abstract Services. When the waste code or regulated constituents are described as a combination of a chemical with its salts or esters, the CAS number is given for the parent compound only.
- Concentration standards for wastewaters are expressed in mg/l and are based on analysis of composite samples.
- All treatment standards expressed as a Technology Code or combination of Technology Codes are explained in detail in Table C of this Part, "Technology Codes and Descriptions of Technology-Based Standards". "fb" inserted between waste codes denotes "followed by", so that the first-listed treatment is followed by the second-listed treatment. ", " separate, alternative treatment schemes.
- Except for Metals (EP or TCLP) and Cyanides (Total and Amenable) the nonwastewater treatment standards expressed as a concentration were established, in part, based on incineration in units operated in accordance with the technical requirements of 35 Ill. Adm. Code 724, Subpart O or 35 Ill. Adm. Code 725, Subpart O or based on

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- all applicable 40 CFR 268.40 treatment standards; or  
 b) A dedicated MHA Subtitle C landfill cell in which all other wastes being co-disposed are at pH<6.0.

BOARD NOTE: Derived from table to 40 CFR 268.40 (2000)(1999), as amended at 6564 Fed. Reg. 67127 (November 8, 2000)(56471 (October-20, 1999), and 65 Fed. Reg. 14472 (May-17, 2000).

NA means not applicable.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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## Section 728, TABLE 0 Universal Treatment Standards (UTS)

Regulated Constituent- Common Name	CAS(1) No.	Wastewater Standard Concentration (in mg/kg(3)) unless noted as "mg/l TCLP"	Nonwastewater Standard Concentration (in mg/kg(3)) unless noted as "mg/l TCLP"
Acenaphthylene	208-96-8	0.059	3.4
Acenaphthene	83-32-9	0.059	3.4
Acetone	67-64-1	0.28	160
Acetonitrile	75-05-8	5.6	38
Acetophenone	96-86-2	0.010	9.7
2-Acetylaminofluorene	53-96-3	0.059	140
Acrolein	107-02-8	0.29	NA
Acrylamide	79-06-1	19	23
Acrylonitrile	107-13-1	0.24	84
Aldicarb sulfone(6)	1646-88-4	0.056	0.28
Aldrin	309-00-2	0.021	0.066
4-Aminobiphenyl	92-67-1	0.13	NA
Aniline	62-53-3	0.81	14
Anthracene	120-12-7	0.059	3.4
Aramite	140-57-8	0.36	NA
alpha-BHC	319-84-6	0.00014	0.066
beta-BHC	319-85-7	0.00014	0.066
delta-BHC	319-86-8	0.023	0.066
gamma-BHC	58-89-9	0.0017	0.066

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Barban(6)	101-27-9	0.056	1.4
Bendiocarb(6)	22781-23-3	0.056	1.4
Benomy1(6)	17804-35-2	0.056	1.4
Benz(a)anthracene	56-55-3	0.059	3.4
Benzal chloride	98-87-3	0.055	6.0
Benzene	71-43-2	0.14	10
Benzo(b)fluoranthene (difficult to distinguish from benzo(k)fluoranthene)	205-99-2	0.11	6.8
Benzo(k)fluoranthene (difficult to distinguish from benzo(b)fluoranthene)	207-08-9	0.11	6.8
Benzo(g,h,i)perylene	191-24-2	0.0055	1.8
Benzo(a)pyrene	50-32-8	0.061	3.4
Bromodichloromethane	75-27-4	0.35	15
Methyl bromide (Bromo- methane)	74-83-9	0.11	15
4-Bromophenyl phenyl ether	101-55-3	0.055	15
n-Butyl alcohol	71-36-3	5.6	2.6
Butylate(6)	2008-41-5	0.042	1.4
Butyl benzyl phthalate	85-68-7	0.017	28
2-sec-Butyl-4,6- dinitrophenol (Dinoseb)	88-85-7	0.066	2.5
Carbaryl(6)	63-25-2	0.006	0.14
Carbenzadim(6)	10605-21-7	0.056	1.4
Carbofuran(6)	1563-66-2	0.006	0.14

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Carbofuran phenol(6)	1563-38-8	0.056	1.4
Carbon disulfide	75-15-0	3.8	4.8 mg/l TCLP
Carbon tetrachloride	56-23-5	0.057	6.0
Carbosulfan(6)	55285-14-8	0.028	1.4
Chlordane (alpha and gamma isomers)	57-74-9	0.0033	0.26
p-Chloroaniline	106-47-8	16	16
Chlorobenzene	108-90-7	0.057	6.0
Chlorobenzilate	510-15-6	0.10	NA
2-Chloro-1,3-butadiene	126-99-8	0.057	0.28
p-Chloro-m-cresol	59-50-7	0.018	11
Chlorodibromomethane	124-48-1	0.057	15
Chloroethane	75-00-3	0.27	6.0
bis(2- Chloroethoxy)methane	111-91-1	0.036	7.2
bis(2-Chloroethyl) ether	111-44-4	0.033	6.0
2-Chloroethyl vinyl ether	110-75-5	NA	NA
Chloroform	67-66-3	0.046	6.0
eis(2- Chloroisopropyl)ether	39638-32-9	0.055	7.2
Chloromethane (Methyl chloride)	74-87-3	----	30
2-Chloronaphthalene	91-58-7	0.055	5.6
2-Chlorophenol	95-57-8	0.044	5.7
3-Chloropropylene	107-05-1	0.036	30

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Chrysene	218-01-9	0.059	3.4	
o-Cresol	95-48-7	0.11	5.6	
m-Cresol (difficult to distinguish from p-cresol)	108-39-4	0.77	5.6	
p-Cresol (difficult to distinguish from m-cresol)	106-44-5	0.77	5.6	
m-Cumenyl methylcarbamate(6)	64-00-6	0.056	1.4	
Cyclohexanone	108-94-1	0.36	0.75mg/l TCLP	
o,p'-DDD	53-19-0	0.023	0.087	
p,p'-DDD	72-54-8	0.023	0.087	
o,p'-DDE	3424-82-6	0.031	0.087	
p,p'-DDE	72-55-9	0.031	0.087	
o,p'-DDT	789-02-6	0.0039	0.087	
p,p'-DDT	50-29-3	0.0039	0.087	
Dibenz(a,h)anthracene	53-70-3	0.055	8.2	
Dibenz(a,e)pyrene	192-65-4	0.061	NA	
1,2-Dibromo-3-chloropropane	96-12-8	0.11	15	
1,2-Dibromoethane/Ethylene dibromide	106-93-4	0.028	15	
Dibromomethane	74-95-3	0.11	15	
m-Dichlorobenzene	541-73-1	0.036	6.0	
o-Dichlorobenzene	95-50-1	0.088	6.0	
p-Dichlorobenzene	106-46-7	0.090	6.0	
Dichlorodifluoromethane	75-71-8	0.23	7.2	

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1,1-Dichloroethane	75-34-3	0.059	6.0	
1,2-Dichloroethane	107-06-2	0.21	6.0	
1,1-Dichloroethylene	75-35-4	0.025	6.0	
trans-1,2-Dichloroethylene	156-60-5	0.054	30	
2,4-Dichlorophenol	120-83-2	0.044	14	
2,6-Dichlorophenol	87-65-0	0.044	14	
2,4-Dichlorophenoxyacetic acid/2,4-D	94-75-7	0.72	10	
1,2-Dichloropropane	78-87-5	0.85	18	
cis-1,3-Dichloropropylene	10061-01-5	0.036	18	
trans-1,3-Dichloropropylene	10061-02-6	0.036	18	
Dieldrin	60-57-1	0.017	0.13	
Diethyl phthalate	84-66-2	0.20	28	
p-Dimethylaminoazobenzene	60-11-7	0.13	NA	
2,4-Dimethyl phenol	105-67-9	0.036	14	
Dimethyl phthalate	131-11-3	0.047	28	
Di-n-butyl phthalate	84-74-2	0.057	28	
1,4-Dinitrobenzene	100-25-4	0.32	2.3	
4,6-Dinitro-o-cresol	534-52-1	0.28	160	
2,4-Dinitrophenol	51-28-5	0.12	160	
2,4-Dinitrotoluene	121-14-2	0.32	140	
2,6-Dinitrotoluene	606-20-2	0.55	28	

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Di-n-octyl phthalate	117-84-0	0.017	28
Di-n-propylnitrosamine	621-64-7	0.40	14
1,4-Dioxane	123-91-1	12.0	170
Diphenylamine (difficult to distinguish from diphenylnitrosamine)	122-39-4	0.92	13
Diphenylnitrosamine (difficult to distinguish from diphenylamine)	86-30-6	0.92	13
1,2-Diphenylhydrazine	122-66-7	0.087	NA
Disulfoton	298-04-4	0.017	6.2
Dithiocarbamates (total)(6)	137-30-4	0.028	28
Endosulfan I	959-98-8	0.023	0.066
Endosulfan II	33213-65-9	0.029	0.13
Endosulfan sulfate	1031-07-8	0.029	0.13
Endrin	72-20-8	0.0028	0.13
Endrin aldehyde	7421-93-4	0.025	0.13
EPC(6)	759-94-4	0.042	1.4
Ethyl acetate	141-78-6	0.34	33
Ethyl benzene	100-41-4	0.057	10
Ethyl cyanide (Propanenitrile)	107-12-0	0.24	360
Ethylene oxide	75-21-8	0.12	NA
Ethyl ether	60-29-7	0.12	160
bis(2-Ethylhexyl) phthalate	117-81-7	0.28	28

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Ethyl methacrylate	97-63-2	0.14	160
Famphur	52-85-7	0.017	15
Fluoranthene	206-44-0	0.068	3.4
Fluorene	86-73-7	0.059	3.4
Formetanate hydrochloride(6)	23422-53-9	0.056	1.4
Heptachlor	76-44-8	0.0012	0.066
1,2,3,4,6,7,8-Heptachlorodibenzo-p-dioxin (1,2,3,4,6,7,8-HpCDD)	35822-46-9	0.000035	0.0025
1,2,3,4,6,7,8-Heptachlorodibenzofuran (1,2,3,4,6,7,8-HpCDF)	67562-39-4	0.000035	0.0025
1,2,3,4,7,8,9-Heptachlorodibenzofuran (1,2,3,4,7,8,9-HpCDF)	55673-89-7	0.000035	0.0025
Heptachlor epoxide	1024-57-3	0.016	0.066
Hexachlorobenzene	118-74-1	0.055	10
Hexachlorobutadiene	87-68-3	0.055	5.6
Hexachloro cyclopentadiene	77-47-4	0.057	2.4
HxCDDs (All Hexachlorodibenzo-p-dioxins)	NA	0.000063	0.001
HxCDFs (All Hexachlorodibenzofurans)	NA	0.000063	0.001
Hexachloroethane	67-72-1	0.055	30
Hexachloropropylene	1888-71-7	0.035	30
Indeno (1,2,3-c,d)	193-39-5	0.0055	3.4



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pyrene					
Iodomethane	74-88-4	0.19	65		
Isobutyl alcohol	78-83-1	5.6	170		
Isodrin	465-73-6	0.021	0.066		
Isosafrole	120-58-1	0.081	2.6		
Kepone	143-50-0	0.0011	0.13		
Methacrylonitrile	126-98-7	0.24	84		
Methanol	67-56-1	5.6	0.75 mg/l TCLP		
Methapyrilene	91-80-5	0.081	1.5		
Methiocarb(6)	2032-65-7	0.056	1.4		
Methomyl(6)	16752-77-5	0.028	0.14		
Methoxychlor	72-43-5	0.25	0.18		
3-Methylcholanthrene	56-49-5	0.0055	15		
4,4-Methylene bis(2-chloroaniline)	101-14-4	0.50	30		
Methylene chloride	75-09-2	0.089	30		
Methyl ethyl ketone	78-93-3	0.28	36		
Methyl isobutyl ketone	108-10-1	0.14	33		
Methyl methacrylate	80-62-6	0.14	160		
Methyl methansulfonate	66-27-3	0.018	NA		
Methyl parathion	298-00-0	0.014	4.6		
Metolcarb(6)	1129-41-5	0.056	1.4		
Mexacarbate(6)	315-18-4	0.056	1.4		
Molinate(6)	2212-67-1	0.042	1.4		
Naphthalene	91-20-3	0.059	5.6		

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2-Naphthylamine	91-59-8	0.52	NA		
o-Nitroaniline	88-74-4	0.27	14		
p-Nitroaniline	100-01-6	0.028	28		
Nitrobenzene	98-95-3	0.068	14		
5-Nitro-o-toluidine	99-55-8	0.32	28		
o-Nitrophenol	88-75-5	0.028	13		
p-Nitrophenol	100-02-7	0.12	29		
N-Nitrosodiethylamine	55-18-5	0.40	28		
N-Nitrosodimethylamine	62-75-9	0.40	2.3		
N-Nitroso-di-n-butylamine	924-16-3	0.40	17		
N-Nitrosomethylethylamine	10595-95-6	0.40	2.3		
N-Nitrosomorpholine	59-89-2	0.40	2.3		
N-Nitrosopiperidine	100-75-4	0.013	35		
N-Nitrosopyrrolidine	930-55-2	0.013	35		
1,2,3,4,6,7,8,9-Octachlorodibenzo-p-dioxin (1,2,3,4,6,7,8,9-OCDD)	3288-87-9	0.000063	0.0025		
1,2,3,4,6,7,8,9-Octachlorodibenzofuran (1,2,3,4,6,7,8,9-OCDF)	39001-02-0	0.000063	0.005		
Oxamyl(6)	23135-22-0	0.056	0.28		
Parathion	56-38-2	0.014	4.6		
Total PCBs (sum of all PCB isomers, or all Aroclors)(8)	1336-36-3	0.10	10		
Pebulate(6)	1114-71-2	0.042	1.4		
Pentachlorobenzene	608-93-5	0.055	10		





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- 8 This standard is temporarily deferred for soil exhibiting a hazardous characteristic due to USEPA hazardous waste numbers D004 through D011 only.

Note: NA means not applicable.

BOARD NOTE: Derived from table to 40 CFR 268.48(a) (20001999), as amended at 65 Fed. Reg. 81381 (December 26, 2000) 4472-4477-40007.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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- 1) Heading of the Part: RCRA Permit Program
- 2) Code citation: 35 Ill. Adm. Code 703
- 3) Section numbers: Proposed Action:  
703.232 Amend  
703.280 Amend
- 4) Statutory authority: 415 ILCS 5/7.2, 22.4, and 27.

- 5) A complete description of the subjects and issues involved: A more detailed description is contained in the Board's opinion and order of February 15, 2001, proposing amendments in docket R01-21/R01-23 (consolidated) for public comment, which opinion and order is available from the address below. As is explained in that opinion, the Board will receive public comment on the proposed amendments for 45 days from the date they appear in the *Illinois Register* before proceeding to adopt amendments based on this proposal.

This proceeding would update the Illinois RCRA Subtitle C hazardous waste and underground injection control (UIC) rules to correspond with amendments adopted by the United States Environmental Protection Agency (USEPA) that appeared in the Federal Register during a single update period. The dockets and time period that is involved in this proceeding is the following:

R01-21

Federal RCRA Subtitle C amendments that occurred during the period July 1, 2001, through December 31, 2001.

R01-23

Federal UIC amendments that occurred during the period July 1, 2001, through December 31, 2001.

The consolidated R01-21/R01-23 docket amends rules in 35 Ill. Adm. Code 703, 720, 721, 728, and 738. The following table briefly summarizes the federal actions in the update period that are involved in the consolidated docket:

65 Fed. Reg.  
42292 (July 10,  
2000)

USEPA adopted technical corrections to its September 30, 1999 (64 Fed. Reg. 52828) National Emission Standards for Hazardous Air Pollutants (NESHAPs) applicable to hazardous waste combustors and its June 19, 1998 (63 Fed. Reg. 33783) hazardous waste combustor rule. Included were corrections to the hazardous waste regulations segments of the rule.

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65 Fed. Reg. 47223 (August 2, 2000)

US EPA adopted amendments to various of its regulations in order to update the address for its headquarters in the Washington, D.C. area. Included was an address in a segment of the hazardous waste regulations.

65 Fed. Reg. 67068 (November 6, 2000)

US EPA adopted hazardous waste listings and land disposal restrictions (LDRs) for chlorinated aliphatics production wastes. Included were amendments to the Federal UTC rules to implement the LDRs.

65 Fed. Reg. 81373 (December 26, 2000)

US EPA amended a segment of its May 26, 1988 (63 Fed. Reg. 28602) Phase IV LDRs. USEPA is deferring the requirement that polychlorinated biphenyls (PCBs) be considered a constituent subject to treatment in soils that are hazardous waste because they exhibit the characteristic of toxicity due to the presence of metals. USEPA still requires treatment for all hazardous constituents other than PCBs.

Among the listed federal RCRA Subtitle C amendments examined by the Board is one on which no Board action is necessary in the present update docket R01-21/R01-23. That action was the August 2, 2000 amendment of 40 C.F.R. 265.1080(f) to update the address of the USEPA headquarters. No Board action is necessary because this federal provision is a site-specific rule that applies only to a West Virginia facility. Thus, there is no counterpart for 40 C.F.R. 1080(f) in the Illinois regulations.

The Board included one federal action that amended the Clean Water Act analytical methods, which are incorporated by reference in 35 Ill. Adm. Code 720.111.

65 Fed. Reg. 81242 (December 22, 2000)

USEPA established a new part containing effluent limitations and pretreatment standards for sources in the centralized waste treatment category. Included were amendments to the CWA analytical methods.

Thus, the Board is acting in this consolidated R01-21/R01-23 docket on the following USEPA amendments:

65 Fed. Reg. 42292 (July 10, 2000)

Technical corrections to the September 30, 1999 (64 Fed. Reg. 52828) hazardous waste combustor NESHAPs and the June 19, 1998 (63 Fed. Reg. 33783) hazardous waste combustor rule.

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65 Fed. Reg. 67068 (November 8, 2000)

Hazardous waste listings and LDRs for chlorinated aliphatics production wastes.

65 Fed. Reg. 81242 (December 22, 2000)

Effluent limitations and pretreatment standards for the centralized waste treatment source category, including amendments to the CWA analytical methods.

65 Fed. Reg. 81373 (December 26, 2000)

Amendment of the May 26, 1988 (63 Fed. Reg. 28602) Phase IV LDRs, deferring the requirement that PCBs be considered a constituent subject to treatment in soils that are hazardous waste because they exhibit the characteristic of toxicity due to the presence of metals.

Specifically, the amendments to Part 703 implement segments of the Federal July 10, 2000, corrections to the hazardous waste combustor rule and hazardous waste combustor NESHAPs.

The table below lists numerous corrections and amendments in Part 703 that are not based on current federal amendments. It contains corrections and clarifications that the Board made in the base text involved in these amendments. This table is reproduced from the tables that appear in the Board's opinion of February 15, 2001, in docket R01-21/R01-23 (consolidated). Some of the entries in these tables are discussed further in appropriate segments of the general discussion in that opinion.

## Board Housekeeping Amendments

Section	Source	Revision(s)
703.232	JCAR	Changed "of in 40 CFR 63" to "in 40 CFR 63"
703.232(b)(1)	Board	Changed "shall" to "must" (twice)
703.232(b)(1)(B)	Board	Changed "shall" to "must"
703.232(b)(2)	Board	Changed "shall" to "must" (twice)
703.232(b)(3)(A)	Board	Changed "shall" to "must"
703.232(b)(3)(B)	Board	Changed "shall" to "must"
703.232(b)(3)(C)	Board	Changed "shall" to "must"
703.232(b)(4)	Board	Changed "shall" to "must" (twice)
703.232(c)	Board	Changed "shall" to "must"
703.232(c)(1)	Board	Added "the following"
703.232(c)(2)	Board	Added "the following"
703.232(c)(3)	Board	Added "the following"



## POLLUTION CONTROL BOARD

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703.232(d)(2) Board Changed "shall" to "must"; changed "finds that" to "finds as follows"

703.232(d)(2)(A) Board Added "that"

703.232(d)(2)(B) Board Added "that"

703.232(d)(2)(C) Board Added "that"

703.232(d)(2)(D) Board Added "that"

703.232(d)(3) Board Changed "shall" to "must"

703.232(d)(3)(B) Board Added "the following"

703.232(d)(4) Board Changed "shall" to "must"

703.232(e) Board Changed "shall" to "must"

703.232(f) Board Added "the following determinations" offset as with a comma

703.232(g) Board Changed "shall" to "must" (four times)

703.232 Board note Board Updated the citation to the 2000 edition of the Code of Federal Regulations

703.280(a) Board Added two spaces between the two sentences

703.280(b) Board Added two spaces between the two sentences

703.280(c) Board Added two spaces between the two sentences

703.280(d)(1) Board Added two spaces between two sentences; changed "shall" to "must"

703.280(d)(2) Board Changed "shall" to "must" (twice); changed "subsection (d)(1), above," to "subsection (d)(1) of this Section"; added two spaces between two sentences

703.280(d)(2)(A) Board Added two spaces between two sentences (twice)

703.280(e)(1) Board Added two spaces between two sentences

703.280(e)(2)(A) Board Added "the following"

703.280(e)(2)(B) Board Changed "shall" to "must"; added two spaces between two sentences

703.280(e)(2)(C) Board Added two spaces between two sentences

703.280(e)(3) Board Changed "shall" to "must" (twice); added two spaces between two sentences;

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703.280(e)(3)(A) Board Changed "as follows" Changed "the" to "that the"

703.280(e)(3)(B) Board Changed "the" to "that the"

703.280(e)(4) Board Changed "shall" to "must"; added a comma before "provided" to offset a parenthetical; removed an unnecessary comma separating a two-element series; added "either of the following is true"

703.280(f)(1) Board Changed "shall" to "must" (twice); added two spaces between two sentences

703.280(g)(1) Board Added "each of the following is true"

703.280(g)(1)(E) Board Added two spaces between two sentences

703.280(h) Board Added two spaces between two sentences; added "each of the following is true"

703.280(i) Board Added two spaces between two sentences; changed "shall" to "must" (twice)

703.280(j)(2) Board Changed "shall" to "must"

703.232 Board note Board Updated the citation to the 2000 edition of the Code of Federal Regulations; replacing the Federal Register citation with a later update

Section 22.4 of the Environmental Protection Act [415 ILCS 5/22.4] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).

- 6) Will these proposed amendments replace emergency amendments currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No. Although segments of the text of 35 Ill. Adm. Code 703 now opened for amendment include existing incorporations by reference, the present amendments do not affect those incorporations.

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- 9) Are there any other amendments pending on this Part? No

10) Statement of statewide policy objectives: This rulemaking imposes mandates on units of local government to the extent they may be involved in the generation, transportation, treatment, storage, or disposal of hazardous waste. These mandates are, however, identical-in-substance to mandates imposed by federal law.

11) Time, place and manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R01-21/R01-23 (consolidated) and be addressed to:

Ms. Dorothy W. Gunn, Clerk  
Illinois Pollution Control Board  
State of Illinois Center, Suite 11-500  
100 W. Randolph St.  
Chicago IL 60601

Address all questions to Michael J. McCambridge, at 312-814-6924.

Request copies of the Board's opinion and order from 312-814-3620 or download from the Board's Web site at <http://www.ipcb.state.il.us/>.

- 12) Initial regulatory flexibility analysis:

A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking affects those small businesses, small municipalities, and not-for-profit corporations that generate, transport, treat, store, or dispose of hazardous waste. Particularly, the amendments would affect hazardous waste combustors; those generating, transporting, or managing chlorinated aliphatic production waste; and those treating PCB-containing soils considered hazardous waste because they exhibit the characteristic of toxicity due to the presence of metals.

B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of operating records.

C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist, and registered professional engineer.

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- 13) Regulatory agenda on which this rulemaking was summarized: January 2001

The full text of the Proposed Amendments begins on the next page:

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## TITLE 35: ENVIRONMENTAL PROTECTION

## SUBTITLE G: WASTE DISPOSAL

## CHAPTER I: POLLUTION CONTROL BOARD

## SUBCHAPTER B: PERMITS

## PART 703

## RCRA PERMIT PROGRAM

## SUBPART A: GENERAL PROVISIONS

Section  
703.100 Scope and Relation to Other Parts  
703.101 Purpose  
703.110 References

## SUBPART B: PROHIBITIONS

Section  
703.120 Prohibitions in General  
703.121 RCRA Permits  
703.122 Specific Inclusions in Permit Program  
703.123 Specific Exclusions from Permit Program  
703.124 Discharges of Hazardous Waste  
703.125 Reapplications  
703.126 Initial Applications  
703.127 Federal Permits (Repealed)

## SUBPART C: AUTHORIZATION BY RULE AND INTERIM STATUS

Section  
703.140 Purpose and Scope  
703.141 Permits by Rule  
703.150 Application by Existing HWM Facilities and Interim Status  
Qualifications

703.151 Application by New HWM Facilities  
703.152 Amended Part A Application  
703.153 Qualifying for Interim Status  
703.154 Prohibitions During Interim Status  
703.155 Changes During Interim Status  
703.156 Interim Status Standards  
703.157 Grounds for Termination of Interim Status  
703.158 Permits for Less Than an Entire Facility  
703.159 Closure by Removal  
703.160 Procedures for Closure Determination  
703.161 Enforceable Document for Post-Closure Care

## SUBPART D: APPLICATIONS

## POLLUTION CONTROL BOARD

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Section  
703.180 Applications in General  
703.181 Contents of Part A  
703.182 Contents of Part B  
703.183 General Information  
703.184 Facility Location Information  
703.185 Groundwater Protection Information  
703.186 Exposure Information  
703.187 Solid Waste Management Units  
703.188 Other Information  
703.191 Public Participation: Pre-Application Public Notice and Meeting  
703.192 Public Participation: Public Notice of Application  
703.193 Public Participation: Information Repository  
703.200 Specific Part B Application Information  
703.201 Containers  
703.202 Tank Systems  
703.203 Surface Impoundments  
703.204 Waste Piles  
703.205 Incinerators that Burn Hazardous Waste  
703.206 Land Treatment  
703.207 Landfills  
703.208 Boilers and Industrial Furnaces Burning Hazardous Waste  
703.209 Miscellaneous Units  
703.210 Process Vents  
703.211 Equipment  
703.212 Drip Pads  
703.213 Air Emission Controls for Tanks, Surface Impoundments, and Containers  
703.214 Post-Closure Care Permits

## SUBPART E: SHORT TERM AND PHASED PERMITS

Section  
703.220 Emergency Permits  
703.221 Alternative Compliance with the Federal NESHA's  
703.222 Incinerator Conditions Prior to Trial Burn  
703.223 Incinerator Conditions During Trial Burn  
703.224 Incinerator Conditions After Trial Burn  
703.225 Trial Burns for Existing Incinerators  
703.230 Land Treatment Demonstration  
703.231 Research, Development and Demonstration Permits  
703.232 Permits for Boilers and Industrial Furnaces Burning Hazardous Waste  
703.234 Remedial Action Plans

## SUBPART F: PERMIT CONDITIONS OR DENIAL

Section  
703.240 Permit Denial  
703.241 Establishing Permit Conditions

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703.242 Noncompliance Pursuant to Emergency Permit  
 703.243 Monitoring  
 703.244 Notice of Planned Changes (Repealed)  
 703.245 Twenty-Four Hour Reporting  
 703.246 Reporting Requirements  
 703.247 Anticipated Noncompliance  
 703.248 Information Repository

## SUBPART G: CHANGES TO PERMITS

Section  
 703.260 Transfer  
 703.270 Modification  
 703.271 Causes for Modification  
 703.272 Causes for Modification or Reissuance  
 703.273 Facility Siting  
 703.280 Permit Modification at the Request of the Permittee  
 703.281 Class 1 Modifications  
 703.282 Class 2 Modifications  
 703.283 Class 3 Modifications

## SUBPART H: REMEDIAL ACTION PLANS

Section  
 703.300 Why This Subpart Is Written in a Special Format  
 703.301 General Information  
 703.302 Applying for a RAP  
 703.303 Getting a RAP Approved  
 703.304 How a RAP May Be Modified, Revoked and Reissued, or Terminated  
 703.305 Operating Under A RAP  
 703.306 Obtaining a RAP for an Off-Site Location

## APPENDIX A Classification of Permit Modifications

AUTHORITY: Implementing Sections 7.2 and 22.4 and authorized by Section 27 of the Environmental Protection Act (415 ILCS 5/7.2, 22.4 and 27).

SOURCE: Adopted in R82-19 at 7 Ill. Reg. 14289, effective October 12, 1983; amended in R83-24 at 8 Ill. Reg. 206, effective December 27, 1983; amended in R84-9 at 9 Ill. Reg. 11699, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 1110, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 1284, effective July 28, 1986; amended in R86-1 at 10 Ill. Reg. 14093, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20702, effective December 2, 1986; amended in R86-28 at 11 Ill. Reg. 6121, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13543, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19383, effective November 12, 1987; amended in R87-26 at 12 Ill. Reg. 2584, effective January 15, 1988; amended in R87-39 at 12 Ill. Reg. 13069, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg.

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447, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18477, effective November 13, 1989; amended in R89-9 at 14 Ill. Reg. 6278, effective April 16, 1990; amended in R90-2 at 14 Ill. Reg. 14492, effective August 22, 1990; amended in R90-11 at 15 Ill. Reg. 9616, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14554, effective September 30, 1991; amended in R91-13 at 16 Ill. Reg. 9767, effective June 9, 1992; amended in R92-10 at 17 Ill. Reg. 5774, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20794, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6898, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12392, effective July 29, 1994; amended in R94-5 at 18 Ill. Reg. 18316, effective December 20, 1994; amended in R95-6 at 19 Ill. Reg. 9320, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 11225, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 553, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7632, effective April 15, 1998; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17930, effective September 28, 1998; amended in R98-21/R99-2/R99-7 at 23 Ill. Reg. 2153, effective January 19, 1999; amended in R99-15 at 23 Ill. Reg. 9381, effective July 26, 1999; amended in R00-13 at 24 Ill. Reg. 9765, effective June 20, 2000; amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART E: SHORT TERM AND PHASED PERMITS

## Section 703.232 Permits for Boilers and Industrial Furnaces Burning Hazardous Waste

When an owner or operator of a cement or lightweight aggregate kiln demonstrates compliance with the air emission standards and limitations of the federal National Emission Standards for Hazardous Air Pollutants (NESHAPs) of in 40 CFR 63, subpart EEE, incorporated by reference in 35 Ill. Adm. Code 720.111 (i.e., by conducting a comprehensive performance test and submitting a Notification of Compliance), the requirements of this Section do not apply. Nevertheless, the Agency may apply the provisions of this Section, on a case-by-case basis, for purposes of information collection in accordance with Sections 703.188 and 703.241(a)(2).

a) General. Owners and operators of new boilers and industrial furnaces (those not operating under the interim status standards of 35 Ill. Adm. Code 726.203) are subject to subsections (b) through (f) of this Section. Boilers and industrial furnaces operating under the interim status standards of 35 Ill. Adm. Code 726.203 are subject to subsection (g) of this Section.

b) Permit operating periods for new boilers and industrial furnaces. A permit for a new boiler or industrial furnace must specify appropriate conditions for the following operating periods:

1) Pretrial burn period. For the period beginning with initial introduction of hazardous waste and ending with initiation of the trial burn, and only for the minimum time required to bring the boiler or industrial furnace to a point of operation readiness to conduct a trial burn, not to exceed 720 hours operating time when

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burning hazardous waste, the Agency must shall establish permit conditions in the pretrial burn period, including but not limited to allowable hazardous waste feed rates and operating conditions. The Agency must shall extend the duration of this operational period once, for up to 720 additional hours, at the request of the applicant when good cause is shown. The permit must be modified to reflect the extension according to Section 703.280 et seq.

A) Applicants must submit a statement, with Part B of the permit application, that suggests the conditions necessary to operate in compliance with the standards of 35 Ill. Adm. Code 726.204 through 726.207 during this period. This statement should include, at a minimum, restrictions on the applicable operating requirements identified in 35 Ill. Adm. Code 726.202(e).

B) The Agency must shall review this statement and any other relevant information submitted with Part B of the permit application and specify requirements for this period sufficient to meet the performance standards of 35 Ill. Adm. Code 726.204 through 726.207 based on the Agency's engineering judgment.

2) Trial burn period. For the duration of the trial burn, the Agency must shall establish conditions in the permit for the purposes of determining feasibility of compliance with the performance standards of 35 Ill. Adm. Code 726.204 through 726.207 and determining adequate operating conditions under 35 Ill. Adm. Code 726.202(e). Applicants must shall propose a trial burn plan, prepared under subsection (c) of this Section, to be submitted with Part B of the permit application.

3) Post-trial burn period.

A) For the period immediately following completion of the trial burn, and only for the minimum period sufficient to allow sample analysis, data computation and submission of the trial burn results by the applicant, and review of the trial burn results and modification of the facility permit by the Agency to reflect the trial burn results, the Agency must shall establish the operating requirements most likely to ensure compliance with the performance standards of 35 Ill. Adm. Code 726.204 through 726.207 based on the Agency's engineering judgment.

B) Applicants must shall submit a statement, with Part B of the permit application, that identifies the conditions necessary to operate during this period in compliance with the performance standards of 35 Ill. Adm. Code 726.204 through 726.207. This statement should include, at a minimum, restrictions on the operating requirements provided by 35 Ill. Adm. Code 726.202(e).

C) The Agency must shall review this statement and any other

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relevant information submitted with Part B of the permit application and specify requirements of this period sufficient to meet the performance standards of 35 Ill. Adm. Code 726.204 through 726.207 based on the Agency's engineering judgment.

4) Final permit period. For the final period of operation the Agency must shall develop operating requirements in conformance with 35 Ill. Adm. Code 726.202(e) that reflect conditions in the trial burn plan and are likely to ensure compliance with the performance standards of 35 Ill. Adm. Code 726.204 through 726.207. Based on the trial burn results, the Agency must shall make any necessary modifications to the operating requirements to ensure compliance with the performance standards. The permit modification must proceed according to Section 703.280 et seq.

c) Requirements for trial burn plans. The trial burn plan must include the following information. The Agency, in reviewing the trial burn plan, must shall evaluate the sufficiency of the information provided and may require the applicant to supplement this information, if necessary, to achieve the purposes of this subsection (c).

1) An analysis of each feed stream, including hazardous waste, other fuels, and industrial furnace feed stocks, as fired, that includes the following:

A) Heating value, levels of antimony, arsenic, barium, beryllium, cadmium, chromium, lead, mercury, silver, thallium, total chlorine/chloride, and ash; and

B) Viscosity or description of the physical form of the feed stream.

2) An analysis of each hazardous waste, as fired, including the following:

A) An identification of any hazardous organic constituents listed in 35 Ill. Adm. Code 721. Appendix H that are present in the feed stream, except that the applicant need not analyze for constituents listed in 721. Appendix H that would reasonably not be expected to be found in the hazardous waste. The constituents excluded from analysis must be identified and the basis for this exclusion explained. The analysis must be conducted in accordance with analytical techniques specified in "Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods", USEPA Publication SW-846, as incorporated by reference at 35 Ill. Adm. Code 720.111 and Section 703.110, or their equivalent;

B) An approximate quantification of the hazardous constituents identified in the hazardous waste, within the precision produced by the analytical methods specified in "Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods", USEPA Publication SW-846, as incorporated by reference at 35 Ill. Adm. Code 720.111 and Section 703.110, or other equivalent; and



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- C) A description of blending procedures, if applicable, prior to firing the hazardous waste, including a detailed analysis of the hazardous waste prior to blending, an analysis of the material with which the hazardous waste is blended, and blending ratios.
- 3) A detailed engineering description of the boiler or industrial furnace, including the following:
- Manufacturer's name and model number of the boiler or industrial furnace;
  - Type of boiler or industrial furnace;
  - Maximum design capacity in appropriate units;
  - Description of the feed system for the hazardous waste and, as appropriate, other fuels and industrial furnace feedstocks;
  - Capacity of hazardous waste feed system;
  - Description of automatic hazardous waste feed cutoff systems;
  - Description of any pollution control system; and
  - Description of stack gas monitoring and any pollution control monitoring systems.
- 4) A detailed description of sampling and monitoring procedures, including sampling and monitoring locations in the system, the equipment to be used, sampling and monitoring frequency, and sample analysis.
- 5) A detailed test schedule for each hazardous waste for which the trial burn is planned, including dates, duration, quantity of hazardous waste to be burned, and other factors relevant to the Agency's decision under subsection (b)(2) of this Section.
- 6) A detailed test protocol, including, for each hazardous waste identified, the ranges of hazardous waste feed rate, and, as appropriate, the feed rates of other fuels and industrial furnace feedstocks, and any other relevant parameters that may affect the ability of the boiler or industrial furnace to meet the performance standards in 35 Ill. Adm. Code 726.204 through 726.207.
- 7) A description of and planned operating conditions for any emission control equipment that will be used.
- 8) Procedures for rapidly stopping the hazardous waste feed and controlling emissions in the event of an equipment malfunction.
- 9) Such other information as the Agency finds necessary to determine whether to approve the trial burn plan in light of the purposes of this subsection (c) and the criteria in subsection (b)(2) of this Section.
- d) Trial burn procedures.
- A trial burn must be conducted to demonstrate conformance with the standards of 35 Ill. Adm. Code 726.104 through 726.107.
  - The Agency must shall approve a trial burn plan if the Agency finds as follows that:

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- That the trial burn is likely to determine whether the boiler or industrial furnace can meet the performance standards of 35 Ill. Adm. Code 726.104 through 726.107;
  - That the trial burn itself will not present an imminent hazard to human health and the environment;
  - That the trial burn will help the Agency to determine operating requirements to be specified under 35 Ill. Adm. Code 726.102(e); and
  - That the information sought in the trial burn cannot reasonably be developed through other means.
- 3) The Agency must shall send a notice to all persons on the facility mailing list, as set forth in 35 Ill. Adm. Code 705.161(a), and to the appropriate units of State and Local government, as set forth in 35 Ill. Adm. Code 705.163(a)(5), announcing the scheduled commencement and completion dates for the trial burn. The applicant may not commence the trial burn until after the Agency has issued such notice.
- This notice must be mailed within a reasonable time period before the trial burn. An additional notice is not required if the trial burn is delayed due to circumstances beyond the control of the facility or the Agency.
  - This notice must contain the following:
    - The name and telephone number of applicant's contact person;
    - The name and telephone number of the Agency regional office appropriate for the facility;
    - The location where the approved trial burn plan and any supporting documents can be reviewed and copied; and
    - An expected time period for commencement and completion of the trial burn.
  - The applicant must shall submit to the Agency a certification that the trial burn has been carried out in accordance with the approved trial burn plan, and submit the results of all the determinations required in subsection (c) of this Section. The Agency shall, in the trial burn plan, require that the submission be made within 90 days after completion of the trial burn, or later if the Agency determines that a later date is acceptable.
  - All data collected during any trial burn must be submitted to the Agency following completion of the trial burn.
  - All submissions required by this subsection (d) must be certified on behalf of the applicant by the signature of a person authorized to sign a permit application or a report under 35 Ill. Adm. Code 702.126.
  - Special procedures for DRE trial burns. When a DRE trial burn is required under 35 Ill. Adm. Code 726.104, the Agency must shall specify (based on the hazardous waste analysis data and other information in the trial burn plan) as trial Principal Organic

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Hazardous Constituents (POHCs) those compounds for which destruction and removal efficiencies must be calculated during the trial burn. These trial POHCs will be specified by the Agency based on information including the Agency's estimate of the difficulty of destroying the constituents identified in the hazardous waste analysis, their concentrations or mass in the hazardous waste feed, and for hazardous waste containing or derived from wastes listed in 35 Ill. Adm. Code 726.204(a), the following determinations:

- 1) A quantitative analysis of the levels of antimony, arsenic, barium, beryllium, cadmium, chromium, lead, mercury, thallium, silver, and chlorine/chloride in the feed streams (hazardous waste, other fuels, and industrial furnace feedstocks);
- 2) When a DRE trial burn is required under 35 Ill. Adm. Code 726.204(a), the following determinations:

- A) A quantitative analysis of the trial POHCs in the hazardous waste feed;
  - B) A quantitative analysis of the stack gas for the concentration and mass emissions of the trial POHCs; and
  - C) A computation of destruction and removal efficiency (DRE), in accordance with the DRE formula specified in 35 Ill. Adm. Code 726.204(a);
- 3) When a trial burn for chlorinated dioxins and furans is required under 35 Ill. Adm. Code 726.204(e), a quantitative analysis of the stack gas for the concentration and mass emission rate of the 2,3,7,8-chlorinated tetra- through octa-congeners of chlorinated dibenzo-p-dioxins and furans, and a computation showing conformance with the emission standard;
  - 4) When a trial burn for PM, metals, or HCl and chlorine gas is required under 35 Ill. Adm. Code 726.205, 726.206(c) or (d), or 726.207(b)(2) or (c), a quantitative analysis of the stack gas for the concentrations and mass emissions of PM, metals, or HCl and chlorine gas, and computations showing conformance with the applicable emission performance standards;
  - 5) When a trial burn for DRE, metals, and HCl and chlorine gas is required under 35 Ill. Adm. Code 726.204(a), 726.206(c) or (d), or 726.207(b)(2) or (c), a quantitative analysis of the scrubber water (if any), ash residues, other residues, and products for the purpose of estimating the fate of the trial POHCs, metals, and chlorine and chloride;
  - 6) An identification of sources of fugitive emissions and their means of control;
  - 7) A continuous measurement of carbon monoxide (CO), oxygen, and, where required, hydrocarbons (HC), in the stack gas; and
  - 8) Such other information as the Agency specifies as necessary, to

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ensure that the trial burn will determine compliance with the performance standards 35 Ill. Adm. Code 726.204 through 726.207 and to establish the operating conditions required by 35 Ill. Adm. Code 726.204 through 726.207 and of determining adequate operating conditions under 35 Ill. Adm. Code 726.203, and to establish the operating conditions required by 35 Ill. Adm. Code 726.202(e) as necessary to meet those performance standards.

- g) Interim status boilers and industrial furnaces. For the purpose of determining feasibility of compliance with the performance standards of 35 Ill. Adm. Code 726.204 through 726.207 and of determining adequate operating conditions under 35 Ill. Adm. Code 726.203, applicants owning or operating existing boilers or industrial furnaces operated under the interim status standards of 35 Ill. Adm. Code 726.203 must ~~shall~~ either prepare and submit a trial burn plan and perform a trial burn in accordance with the requirements of this Section or submit other information as specified in Section 703.208(a)(6). The Agency must ~~shall~~ announce its intention to approve of the trial burn plan in accordance with the timing and distribution requirements of subsection (d)(3) of this Section. The contents of the notice must include all of the following information: the name and telephone number of a contact person at the facility; the name and telephone number of the Agency regional office appropriate for the facility; the location where the trial burn plan and any supporting documents can be reviewed and copied; and a schedule of the activities that are required prior to permit issuance, including the anticipated time schedule for agency approval of the plan and the time periods during which the trial burn would be conducted. Applicants that submit a trial burn plan and receive approval before submission of the Part B permit application must ~~shall~~ complete the trial burn and submit the results specified in subsection (f) of this Section with the Part B permit application. If completion of this process conflicts with the date set for submission of the Part B application, the applicant must ~~shall~~ contact the Agency to establish a later date for submission of the Part B application or the trial burn results. If the applicant submits a trial burn plan with Part B of the permit application, the trial burn must be conducted and the results submitted within a time period prior to permit issuance and the results by the Agency.

BOARD NOTE: Derived from 40 CFR 270.66 [2000] (1999)-as amended-at-64-Reg-58977-(September-30-1999).

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

SUBPART G: CHANGES TO PERMITS

Section 703.280 Permit Modification at the Request of the Permittee

a) Class 1 modifications. See Section 703.281.

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- b) Class 2 modifications. See Section 703.282.  
 c) Class 3 modifications. See Section 703.283.  
 d) Other modifications.

1) In the case of modifications not explicitly listed in Appendix A, the permittee may submit a Class 3 modification request to the Agency, or the permittee may request a determination by the Agency that the modification be reviewed and approved as a Class 1 or Class 2 modification. If the permittee requests that the modification be classified as a Class 1 or 2 modification, the permittee must shall provide the Agency with the necessary information to support the requested classification.

2) The Agency shall make the determination described in subsection (d)(1) of this Section ~~above~~, as promptly as practicable. In determining the appropriate Class for a specific modification, the Agency must shall consider the similarity of the modification to other modifications codified in Appendix A and the following criteria:

A) Class 1 modifications apply to minor changes that keep the permit current with routine changes to the facility or its operation. These changes do not substantially alter the permit conditions or reduce the capacity of the facility to protect human health or the environment. In the case of Class, 1 modifications, the Agency may require prior approval.

B) Class 2 modifications apply to changes that are necessary to enable a permittee to respond, in a timely manner, to any of the following:

- i) Common variations in the types and quantities of the wastes managed under the facility permit;
- ii) Technological advances; and
- iii) Changes necessary to comply with new regulations, where these changes can be implemented without substantially changing design specifications or management practices in the permit.

C) Class 3 modifications substantially alter the facility or its operation.

## e) Temporary authorizations.

1) Upon request of the permittee, the Agency shall, without prior public notice and comment, grant the permittee a temporary authorization in accordance with this subsection. Temporary authorizations have a term of not more than 180 days.

## 2) Procedures.

A) The permittee may request a temporary authorization for the following:

- i) Any Class 2 modification meeting the criteria in subsection (e)(3)(B) of this Section; and
- ii) Any Class 3 modification that meets the criteria in subsection (e)(3)(B)(i) or that meets the criteria in

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subsections (e)(3)(B)(iii) through (v) and provides improved management or treatment of a hazardous waste already listed in the facility permit.

B) The temporary authorization request must include the following:

- i) A description of the activities to be conducted under the temporary authorization;
- ii) An explanation of why the temporary authorization is necessary; and
- iii) Sufficient information to ensure compliance with 35 Ill. Adm. Code 724 standards.

C) The permittee must shall send a notice about the temporary authorization request to all persons on the facility mailing list maintained by the Agency and to appropriate units of State and local governments as specified in 35 Ill. Adm. Code 705.163(a)(5). This notification must be made within seven days after submission of the authorization request.

3) The Agency must shall approve or deny the temporary authorization as quickly as practical. To issue a temporary authorization, the Agency must shall find as follows:

A) That the ~~the~~ authorized activities are in compliance with the standards of 35 Ill. Adm. Code 724.

B) That the ~~the~~ temporary authorization is necessary to achieve one of the following objectives before action is likely to be taken on a modification request:

- i) To facilitate timely implementation of closure or corrective action activities;
- ii) To allow treatment or storage in tanks, containers or in containment buildings in accordance with 35 Ill. Adm. Code 729;
- iii) To prevent disruption of ongoing waste management activities;

iv) To enable the permittee to respond to sudden changes in the types or quantities of the wastes managed under the facility permit; or

v) To facilitate other changes to protect human health and the environment.

4) A temporary authorization must shall be reissued for one additional term of up to 180 days, provided that the permittee has requested a Class 2 or 3 permit modification for the activity covered in the temporary authorization and either of the following is true:

- A) The reissued temporary authorization constitutes the Agency's decision on a Class 2 permit modification in accordance with Section 703.282(f)(1)(D) or (f)(2)(D); or
- B) The Agency determines that the reissued temporary authorization involving a Class 3 permit modification request is warranted to allow the authorized activities to

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continue while the modification procedures of 35 Ill. Adm. Code 703.283 are conducted.

- f) Public notice and appeals of permit modification decisions.
  - 1) The Agency must ~~shall~~ notify persons on the facility mailing list and appropriate units of State and local government within 10 days after any decision to grant or deny a Class 2 or 3 permit modification request. The Agency must ~~shall~~ also notify such persons within 10 days after an automatic authorization for a Class 2 modification goes into effect under Section 703.282(f)(3) or (f)(5).
  - 2) The Agency's decision to grant or deny a Class 2 or 3 permit modification request may be appealed under the permit appeal procedures of 35 Ill. Adm. Code 705.212.
  - 3) An automatic authorization that goes into effect under Section 703.282(f)(3) or (f)(5) may be appealed under the permit appeal procedures of 35 Ill. Adm. Code 705.212; however, the permittee may continue to conduct the activities pursuant to the automatic authorization until the Board enters a final order on the appeal, notwithstanding the provisions of 35 Ill. Adm. Code 705.204.
- g) Newly regulated wastes and units.
  - 1) The permittee is authorized to continue to manage wastes listed or identified as hazardous under 35 Ill. Adm. Code 721, or to continue to manage hazardous waste in units newly regulated as hazardous waste management units, if each of the following is true:
    - A) The unit was in existence as a hazardous waste facility with respect to the newly listed or characterized waste or newly regulated waste management unit on the effective date of the final rule listing or identifying the waste, or regulating the unit;
    - B) The permittee submits a Class 1 modification request on or before the date on which the waste becomes subject to the new requirements;
    - C) The permittee is in compliance with the applicable standards of 35 Ill. Adm. Code 725 and 726;
    - D) The permittee also submits a complete class 2 or 3 modification request within 180 days after the effective date of the rule listing or identifying the waste, or subjecting the unit to management standards under 35 Ill. Adm. Code 724, 725 or 726; and
    - E) In the case of land disposal units, the permittee certifies that such unit is in compliance with all applicable requirements of 35 Ill. Adm. Code 725 for groundwater monitoring and financial responsibility requirements on the date 12 months after the effective date of the rule identifying or listing the waste as hazardous, or regulating the unit as a hazardous waste management unit. If the owner or operator fails to certify compliance with all these

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- requirements, the owner or operator loses authority to operate under this Section.
- 2) New wastes or units added to a facility's permit under this subsection do not constitute expansions for the purpose of the 25 percent capacity expansion limit for Class 2 modifications.
  - h) Military hazardous waste munitions treatment and disposal. The permittee is authorized to continue to accept waste military munitions notwithstanding any permit conditions barring the permittee from accepting off-site wastes, if each of the following is true:
    - 1) The facility was in existence as a hazardous waste facility and the facility was already permitted to handle the waste military munitions on the date when the waste military munitions became subject to hazardous waste regulatory requirements;
    - 2) On or before the date when the waste military munitions become subject to hazardous waste regulatory requirements, the permittee submits a Class 1 modification request to remove or amend the permit provision restricting the receipt of off-site waste munitions; and
    - 3) The permittee submits a complete Class 2 modification request within 180 days after the date when the waste military munitions became subject to hazardous waste regulatory requirements.
  - i) Permit modification list. The Agency must ~~shall~~ maintain a list of all approved permit modifications and must ~~shall~~ publish a notice once a year in a State-wide newspaper that an updated list is available for review.
  - j) Combustion facility changes to meet federal 40 CFR 63 MACT standards. The following procedures apply to hazardous waste combustion facility permit modifications requested under Section 703. Appendix A, paragraph L(9).
    - 1) Facility owners or operators must comply with the federal notification of intent to comply (NIC) requirements of 40 CFR 63.1210(b) and (c) 63.4221 before a permit modification can be requested under this Section.
    - 2) If the Agency does not act to either approve or deny the request within 90 days after receiving it, the request must ~~shall~~ be deemed approved. The Agency may, at its discretion, extend this 90-day deadline one time for up to 30 days by notifying the facility owner or operator in writing before the 90 days has expired.

BOARD NOTE: Derived from 40 CFR 270.42(d) through (j) (2000/1997), as amended at 63 Ill. Fed. Reg. 42302 (July 10, 2000) 39829-10une-19-1998.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Salem Civic Center Retailers' Occupation Tax
- 2) Code Citation: 86 Ill. Adm. Code 690
- 3) Section Numbers: Proposed Action:  
690.115 Amendment
- 4) Statutory Authority: 70 ILCS 200/245-12
- 5) A Complete Description of the Subjects and Issues Involved: With regard to sales of coal or other minerals, this rulemaking defines "extracted from the earth" as the location at which coal or other minerals are extracted from the mouth of the mine. Also provides the exemption for tangible personal property sold to certain common carriers by motor (Public Act 90-552). Also makes other clarifying changes.
- 6) Will this proposed amendment replace an emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not create a State mandate, nor does it modify any existing State mandates.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rulemaking may submit them in writing by no later than 45 days after publication of this notice to:  
  
Gina Roccaforte  
Illinois Department of Revenue  
Legal Services Office  
101 West Jefferson  
Springfield, Illinois 62794  
Phone: (217) 782-6996
- 12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Retailers located in the metropolitan area imposing the tax
- B) Reporting, bookkeeping or other procedures required for compliance:  
Minimal

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- C) Types of professional skills necessary for compliance: None
  - 13) Regulatory Agenda on which this rulemaking was summarized: January 2001
- The full text of the Proposed Amendments begins on the next page:



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## TITLE 86: REVENUE

## CHAPTER I: DEPARTMENT OF REVENUE

## PART 690

## SALEM CIVIC CENTER RETAILERS' OCCUPATION TAX

- Section
- 690.101 Nature of the Salem Civic Center Retailers' Occupation Tax
  - 690.102 Registration and Returns
  - 690.110 Claims to Recover Erroneously Paid Tax
  - 690.115 Jurisdictional Questions
  - 690.120 Incorporation of Retailers' Occupation Tax Regulations by Reference
  - 690.125 Penalties, Interest and Procedures
  - 690.130 Effective Date

**AUTHORITY:** Implementing Section 11.5 of the Salem Civic Center Use and Occupation Tax Law of the Salem Civic Center Law [70 ILCS 335/11.5] and authorized by Section 2505-95 of the Civil Administrative Code of Illinois [20 ILCS 2505/2505-95].

SOURCE: Adopted at 21 Ill. Reg. 2390, effective February 3, 1997; amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 690.115 Jurisdictional Questions**

- a) Metropolitan Area Defined  
When used in this Part, "metropolitan area" means all territory in the State of Illinois lying within the corporate boundaries of the City of Salem in Marion County.
- b) Mere Solicitation of Orders not Doing Business
  - 1) For a seller to incur Salem Civic Center Retailers' Occupation Tax liability in a given metropolitan area, the sale must be made in the course of such seller's engaging in the retail business within such metropolitan area. In other words, enough of the selling activity must occur within the metropolitan area to justify concluding that the seller is engaged in business within the metropolitan area with respect to that sale.
  - 2) For example, the Supreme Court has held the mere solicitation and receipt of orders within a taxing jurisdiction (the State), where such orders were subject to acceptance outside the taxing jurisdiction and title passed outside such jurisdiction, with the goods being shipped from outside such jurisdiction to the purchaser in such jurisdiction, did not constitute engaging in the business of selling within such jurisdiction. This conclusion was reached independently of any question of interstate commerce and so would apply to the metropolitan area as the taxing jurisdiction as much as to the State as the taxing jurisdiction.
- c) Seller's Acceptance of Order

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- 1) Without attempting to anticipate every kind of fact situation that may arise in this connection, it is the Department's opinion, in general, that the seller's acceptance of the purchase order or other contracting action in the making of the sales contract is the most important single factor in the occupation of selling. If the purchase order is accepted at the seller's place of business within the metropolitan area county or by someone who is working out of such place of business and who does not conduct the business of selling elsewhere within the meaning of subsections (g) and (h) of this Section, or if a purchase order offers an acceptance of the seller's complete and unconditional offer to sell is received by the seller's place of business within the metropolitan area county or by someone working out of such place of business, the seller incurs Salem Civic Center Retailers' Occupation Tax liability in that metropolitan area if the sale is at retail and the purchaser receives the physical possession of the property in Illinois. The Department will assume that the seller has accepted the purchase order at the place of business at which the seller receives such purchase order from the purchaser in the absence of clear proof to the contrary.
- 2) If a purchase order is accepted outside this State, but the tangible personal property which is sold is in an inventory of the retailer located within the metropolitan area at the time of its sale (or is subsequently produced in the metropolitan area affinets), then delivered in Illinois to the purchaser, the place where the property is located at the time of the sale (or subsequent production in the metropolitan area affinets) will determine where the seller is engaged in business for Salem Civic Center Retailers' Occupation Tax purposes with respect to such sale.
- d) Some Considerations that are not Controlling
  - 1) Delivery of the property within the metropolitan area to the purchaser is not necessary for the seller to incur Salem Civic Center Retailers' Occupation Tax liability. It is sufficient that the purchaser receives the physical possession of the property somewhere in Illinois as far as the question of delivery is concerned. This is true because there is no exemption for intermetropolitan area commerce comparable to the exemption arising from interstate commerce, and it is not necessary for delivery to be completed within the metropolitan area for the seller to be regarded as being engaged in the business of selling within such metropolitan area with respect to that sale. The point at which the tangible personal property will be used or consumed and the place at which the purchaser resides are also immaterial in determining whether or not the seller incurs Salem Civic Center Retailers' Occupation Tax liability. Furthermore, the place at which the technical sale occurs (i.e., the place at

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which title passes) is not a decisive consideration since the phrase "in the metropolitan area" in the Salem Civic Center Use and Occupation Tax Law refers only to the location of the occupation of selling that is being taxed and not to the place where sales may be made. (See Standard Oil Company vs. Department of Finance et al., 383 Ill. 136 (1943) 494, for a similar problem under the Illinois Retailers' Occupation Tax Act.)

- e) Place of Business Where Long Term or Blanket Contracts are Involved Under a long term blanket or master contract which (though definite as to price and quantity) must be implemented by the purchaser's placing of specific orders when goods are wanted, the seller's place of business with which such subsequent specific orders are placed (rather than the place where the seller signed the master contract) will determine where the seller is engaged in business for Salem Civic Center Retailers' Occupation Tax purposes with respect to such orders.
- f) Sales Through Vending Machines The seller's place of engaging in business when making sales through a vending machine is the place where the vending machine is located when such sales are made.
- g) Sales from Vehicles Carrying Uncommitted Stock of Goods The seller's place of engaging in business when making sales and deliveries (not just deliveries pursuant to previously accepted orders, but actual sales and deliveries) from a vehicle in which a stock of goods is being carried for sale is the place at which such sales and deliveries happen to be made - the vehicle carrying such stock of goods for sale being regarded as a portable place of business.
- h) Sales of Coal or Other Minerals For the purpose of determining the tax that is applicable, a retail sale, by a producer of coal or other mineral mined in Illinois, is a sale at retail at the place where the coal or other mineral mined in Illinois is extracted from the earth. For purposes of this Section, "extracted from the earth" means the location at which the coal or other mineral is extracted from the mouth of the mine.

- 1) A retail sale is a sale to a user, such as a railroad, public utility or other industrial company, for use. "Mineral" includes not only coal, but also oil, sand, stone taken from a quarry, gravel and any other thing commonly regarded as a mineral and extracted from the earth.

- 2) A mineral produced in Illinois, but shipped out of Illinois by the seller for use outside Illinois, will generally be tax exempt under the Commerce Clause of the Federal Constitution (i.e., as a sale in interstate commerce). This exemption does not extend, however, to sales to carriers, other than common carriers by rail or motor, for their own use outside Illinois if the purchasing carrier takes delivery of the property in the metropolitan area of Illinois and transports it over its own line to an out-of-State

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- 3) A sale by a mineral producer to a wholesaler or retailer for resale would not be a retail sale by the producer and so would not be taxable. The taxable sale (the retail sale) is the final sale to the user, and the Salem Civic Center Retailers' Occupation Tax on that sale will go to the metropolitan area where the retailer is located.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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- 1) Heading of the Part: Eliminate the Digital Divide Program
- 2) Code Citation: 14 Ill. Adm. Code 546
- 3)
 

<u>Section Numbers:</u>	<u>Adopted Action:</u>
546.10	New Section
546.20	New Section
546.30	New Section
546.110	New Section
546.120	New Section
546.130	New Section
546.140	New Section
546.150	New Section
546.160	New Section
546.170	New Section
546.180	New Section
546.190	New Section
- 4) Statutory Authority: Implementing Section 5-30 and authorized by Section 5-105 of the FY 2000 Budget Implementation Act [30 ILCS 780] (See Public Act 91-704).
- 5) Effective Date of the Rules: February 26, 2001
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rules, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in the Illinois Register: Published at 24 Ill. Reg. 16871 on November 17, 2000.
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Difference between proposal and final version: Grammatical changes were made.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were necessary.
- 13) Will these rules replace emergency rules currently in effect? Yes
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of the Rules: The adopted rules provide policies and

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procedural guidance for the administration of the Eliminate the Digital Divide Program. Specifically, the adopted rules describe the purpose of the program, eligible communities and applicants, authorized activities, allowable costs, limitations, application and review procedures, and reporting requirements.

- 16) Information and questions regarding these adopted rules shall be directed to:

Ms Raya Bogard  
 Administrative Code Rules Manager  
 Illinois Department of Commerce and Community Affairs  
 100 West Randolph Street, Suite 3-400  
 Chicago, Illinois 60601  
 (312) 814-9593

The full text of the adopted rules begins on the next page:

## DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

## NOTICE OF ADOPTED RULES

## TITLE 14: COMMERCE

## CHAPTER 1: DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

PART 546  
ELIMINATE THE DIGITAL DIVIDE PROGRAM

## SUBPART A: ADMINISTRATIVE REQUIREMENTS

## Section

546.10

General Purposes

546.20

Definitions

546.30

Legal Requirements

## SUBPART B: COMMUNITY TECHNOLOGY CENTER GRANT PROGRAM

## Section

546.110

Purpose

546.120

Determination of Eligible Communities

546.130

Eligible Applicants

546.140

Authorized Activities

546.150

Allowable Costs

546.160

Proposal Content

546.170

Review Criteria and Negotiation Procedures

546.180

Limitations

546.190

Reporting

**AUTHORITY:** Implementing Section 5-30 and authorized by Section 5-105 of the FY 2000 Budget Implementation Act [30 ILCS 780] (see Public Act 91-704).

**SOURCE:** Adopted by emergency rulemaking at 24 Ill. Reg. 17361, effective November 6, 2000, for a maximum of 150 days; adopted at 25 Ill. Reg. 546.10, effective \_\_\_\_\_.

## SUBPART A: ADMINISTRATIVE REQUIREMENTS

## Section 546.10 General Purposes

The purpose of the Eliminate the Digital Divide Program is to expand access to information technology and educational opportunities through Community Technology Centers (CTCs) located in low income communities. Grants may be awarded to plan, establish, administer and expand such CTCs.

## Section 546.20 Definitions

"Act" means Article 5 of the FY 2000 Budget Implementation Act, also cited as the Eliminate the Digital Divide Law.

The following words or phrases, for the purpose of this rule, have the same

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meaning respectively ascribed to them in Section 5-5 of the Act:

"Community-based organization" means a private not-for-profit organization that is located in an Illinois community and that provides services to citizens within that community and surrounding area.

"Community Technology Centers" provide computer access and educational services using information technology. Community technology centers are diverse in the populations they serve and programs they offer, but similar in that they provide technology access to individuals and communities, and use computer and telecommunication technologies.

"Department" means the Department of Commerce and Community Affairs.

"National School Lunch Program" means a program administered by the U.S. Department of Agriculture and state agencies that provides free or reduced price lunches to economically disadvantaged children. A child whose family income is between 130% and 185% of applicable family size income levels contained in the nonfarm poverty guidelines prescribed by the Office of Management and Budget is eligible for a reduced price lunch. A child whose family income is 130% or less of the applicable family size income levels contained in the non-farm poverty guidelines prescribed by the Office of Management and Budget is eligible for a free lunch.

"Telecommunications services" provided by telecommunications carriers include all commercially available telecommunication services in addition to all reasonable charges that are included by taking such services, such as State and Federal taxes.

"Other special services" provided by telecommunications carriers include Internet access and installation and maintenance of internal connections in addition to all reasonable charges that are incurred by taking such services, such as State and Federal taxes.

## Section 546.30 Legal Requirements

Any entity awarded a Community Technology Center Grant shall be required to execute a grant agreement that sets forth the rights and responsibilities of the grantee and the Department. The Grant Agreement shall reflect all applicable State and Federal statutory and administrative requirements, including but not limited to provisions covering expenditure of grant funds and utilization of property purchased with grant funds.

SUBPART B: COMMUNITY TECHNOLOGY CENTER GRANT PROGRAM

## Section 546.110 Purpose

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Subject to appropriation, the Department shall make grants to plan, establish, administer, and expand Community Technology Centers. The purposes of such grants shall include, but shall not be limited to, underwriting expenses relating to volunteer recruitment and management, infrastructure, and related goods and services for Community Technology Centers. (Section 5-30(a) of the Act)

**Section 546.120 Determination of Eligible Communities**

*To be eligible to apply for a grant, a Community Technology Center must serve a community in which not less than 50% of the students are eligible for a free or reduced price lunch under the national school lunch program or in which not less than 40% of the students are eligible for a free lunch under the national school lunch program:*

- a) The Department shall annually obtain a list of school districts meeting these criteria from the Illinois State Board of Education (ISBE). The Department shall supplement this administrative data from ISBE with public use quality poverty data from the U.S. Department of Commerce, Bureau of the Census. Poverty data and the administrative data from the ISBE will be used to determine eligible communities.
- b) *If funding is insufficient to approve all grant applications for a particular fiscal year, the Department may impose a higher minimum percentage threshold for that fiscal year (Section 5-30(b) of the Act).* The Department shall make such a determination after applications are received and the need is determined, as evidenced by the total amount of funding requested.

**Section 546.130 Eligible Applicants**

The following entities are eligible applicants for grants under the Community Technology Center Grant Program:

- a) State educational agencies,
- b) Local educational agencies,
- c) Institutions of higher education,
- d) Other public and private nonprofit or for-profit agencies and organizations,
- e) A group of eligible entities if the group follows the procedures for group applications in 34 CFR 75.127-129 of the Federal Education Department General Administrative Regulations, and
- f) Any entities that have received a Community Technology Center grant under the federal Community Technology Centers. (Section 5-30(b) of the Act) The grant recipient shall assure that the services of the Community Technology Center are accessible to the general public and shall not restrict access on the basis of age, race, gender, minority status, religion, disability, or national origin.

**Section 546.140 Authorized Activities**

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In general, authorized activities shall include, but not be limited to, volunteer recruitment and management, infrastructure, and related goods and services for Community Technology Centers (Section 5-30(a) of the Act). CTCs typically provide a variety of services and programs, such as:

- a) Training to familiarize youth and adults with basic skills needed to access and utilize computers, common computer applications programs (e.g., word processing) and the Internet;
- b) Vocational skills training relating to information technology occupations;
- c) Access to career related information, employment opportunities, and related search capabilities available through the Internet;
- d) Computerized instruction in:
  - 1) Basic literacy skill;
  - 2) GED preparation; and
  - 3) English as a second language instruction;
- e) Before and after school programs for youth for academic enrichment and reinforcement;
- f) Computer skills training and support for entrepreneurs and small businesses;
- g) Distance learning and video conferencing;
- h) Access to assistive technology for disabled populations;
- i) Professional development for teachers; and
- j) Promotion of home access to computers.

**Section 546.150 Allowable Costs**

Allowable costs shall include reasonable and necessary expenses associated with the planning and operation of a Community Technology Center, as agreed to by the Department and as specified in an agreement between the Department and the grant recipient. Such costs may include reimbursement for expenses for:

- a) Personal services;
- b) Fringe benefits;
- c) Travel;
- d) Equipment;
- e) Supplies;
- f) Rent/facilities costs;
- g) Contractual services; and
- h) Other costs that are consistent with statute, agreed upon by the Department, and as specified in an agreement between the Department and the grant recipient.

**Section 546.160 Proposal Content**

Subject to appropriations, the Department shall issue instructions and formats to eligible applicants for the submission of grant proposals in advance of each funding cycle. The proposal shall contain sufficient information to clearly explain the nature and potential benefits of the proposed project. The proposal will generally include the following sections:



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- a) an executive summary;
- b) a description of the applicant demonstrating that the CTC is located within an eligible community, as required by Section 546.120, of this Part and that the applicant is eligible to apply for a grant pursuant to the requirements of Section 546.130 of this Part;
- c) a description of the Community Technology Center (or proposed center) including:
- 1) a description of the organization and location of the CTC;
  - 2) a description of the services typically provided;
  - 3) a description of the technological infrastructure already in place;
  - 4) a description of the populations typically served;
  - 5) a description of actual related performance of the CTC, as compared to outcome objectives specified in past State or federal grants for related purposes; and
  - 6) a description of the level of community support for the CTC;
- d) a description of the technology-related needs of the targeted community, including:
- 1) a description of what the needs are;
  - 2) a description of how needs were determined, including methods used to collect community input; and
  - 3) a description of existing community resources addressing those needs;
- e) a description of the activities proposed by the CTC to be undertaken during the period of performance of the grant to address the needs;
- f) a schedule for the implementation of proposed activities;
- g) measurable outcome objectives to be achieved during the period of performance for the grant;
- h) a budget requesting grant funds for allowable costs and a justification for all costs requested;
- i) personnel; and
- j) a description of the CTC participation in related programs.

## Section 546.170 Review Criteria and Negotiation Procedures

Grant proposals shall be reviewed on a competitive basis. Based on the competitive review, applicants shall be selected to enter into negotiations with the Department for a grant. The purpose of negotiations shall be to arrive at mutually acceptable grant provisions, including general, budgetary, and scope-of-work provisions. The final decision to make a grant award will be made by the Director of the Department. The Department shall use the following criteria when reviewing grant proposals and making awards:

- a) Need of the Eligible Community: In determining relative need, the Department shall consider the following factors:
- 1) economic need in each target community, as evidenced by the proportion of local youth eligible for reduced cost, or free lunches under the National School Lunch Program; and

## DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

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- 2) the level of access to technology of the populations to be served by the CTC.
- b) Quality of the Proposal: The Department shall examine the overall quality of the activities and programs provided by the CTC. In making this judgment the Department shall consider:
  - 1) the range, nature, and volume of activities to be undertaken, or proposed to be undertaken, by the CTC;
  - 2) the measurable performance outcomes proposed by the applicant;
  - 3) the past success of the applicant; and
  - 4) the qualifications of staff assigned to deliver project activities.
- c) Community Support for the CTC: The Department shall consider overall level of community support for the CTC. In making this judgment the Department shall consider:
  - 1) the amount of local community input received by the applicant in the design and operation of the CTC; and
  - 2) the level of financial support received by the applicant from private/non-governmental sources.
- d) Cost: The Department shall examine the reasonableness of costs relative to the type of expenses being proposed.
- e) Geographic Distribution of Awards: Along with the other criteria listed in this Section, the Director of the Department shall consider the geographic distribution of awards throughout the State when making final decisions regarding grant awards.

## Section 546.180 Limitations

Grants are subject to the following limitations:

- a) The total amount of grants under the Community Technology Center Grant Program in fiscal year 2001 shall not exceed \$2,000,000. (Section 5-30(a) of the Act)
- b) No Community Technology Center may receive a grant of more than \$50,000 under this program in a particular fiscal year. (Section 5-30(a) of the Act)

## Section 546.190 Reporting

Unless otherwise specified in the agreement between the Department and the recipient, an entity receiving a grant shall report financial and programmatic data to the Department on a regular basis using formats provided by the Department. The Department shall require quarterly reporting of expenditures and program achievements at a level of detail sufficient to provide for program accountability.

- a) Expenditures: Unless otherwise specified in the agreement with the Department, an entity receiving a grant shall report actual expenditures using expenditure formats supplied by the Department. Expenditure summaries are to be submitted to the Department by the 15th day following the end of each fiscal quarter in which any

## DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

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expenditure of grant funds is made.

- b) Program Report: Unless otherwise specified in the agreement with the Department, an entity receiving a grant shall submit a program report in a format provided by the Department. The program report shall include a narrative describing the entity's progress towards achieving objectives and activities as specified in the agreement with the Department. Program reports shall be submitted to the Department by the 15th day following the end of each fiscal quarter.

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Storage, Transportation Sale, and Use of Liquefied Petroleum Gas
- 2) Code Citation: 41 Ill. Adm. Code 200
- 3) Section Numbers: 200.30  
Adopted Action: Amendment
- 4) Statutory Authority: Section 3 of the Liquefied Petroleum Gas Regulation Act [430 ILCS 5/3]
- 5) Effective Date of Rulemaking: March 1, 2001
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 24 Ill. Reg. 13482, September 8, 2000.
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rulemaking currently in effect?  
No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The Office is updating Part 200 to reference the most recently published edition of National Fire Protection Association (NFPA) Standard No. 54, "National Fuel Gas Code".
- 16) Information and questions regarding this adopted amendment shall be directed to: Mr. Jack Ahern  
Deputy State Fire Marshal 312/814-2693  
Division of Fire Prevention  
Office of the State Fire Marshal  
100 W. Randolph Street, Ste. 11-800  
Chicago, IL 60601



## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF ADOPTED AMENDMENTS

SOURCE: Rules for the Storage, Transportation, Sale and Use of Liquefied Petroleum Gases, filed October 15, 1971; codified at 111, Reg. 10679; amended at 811, Reg. 2467, effective June 1, 1984; amended at 1911, Reg. 11455, effective August 1, 1995; amended at 2111, Reg. 4999, effective April 15, 1997; amended at 2311, Reg. 4227, effective April 1, 1999; amended at 2511, Reg. 3855, effective MAR 1 2001.

## Section 200.30 Rules For Installation of Gas Appliances And Gas Piping

Standards for the Installation of gas appliances and gas piping as published in the 1999 1996 Edition of Standard NFPA No. 54 by the National Fire Protection Association (National Fuel Gas Code) are mandatory. Standards for fuel systems and equipment in recreational vehicles as published in the 1996 Edition of Standard NFPA No. 501C by the National Fire Protection Association (Recreational Vehicles) are mandatory.

(Source: Amended at 25 Ill. Reg. 3055, effective MAR - 1 2001)

## DEPARTMENT OF NATURAL RESOURCES

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- 1) Heading of the Part: Department Revocation Procedures
- 2) Code Citation: 17 Ill. Adm. Code 2530
- 3) 

<u>Section Numbers:</u>	<u>Adopted Action:</u>
2530.20	Amendment
2530.30	Amendment
2530.40	Amendment
2530.50	Amendment
2530.220	New Section
2530.230	New Section
2530.240	New Section
2530.240	New Section
2530.250	New Section
2530.260	New Section
2530.270	New Section
2530.280	New Section
2530.320	Amendment
2530.340	Amendment
2530.350	Amendment
2530.360	Amendment
2530.490	Amendment
- 4) Statutory Authority: Implementing and authorized by Section 20-105 of the Fish and Aquatic Life Code of 1971 [ ILCS 5/20-105], Section 3.36 of the Wildlife Code [520 ILCS 5/3-36], Sections 4 and 5 of the Illinois Endangered Species Protection Act [520 ILCS 10/4 and 5], Section 3B-8 of the Boat Registration and Safety Act [625 ILCS 45/3B-8] and the Illinois Administrative Procedure Act [5 ILCS 100] and authorized by Section 5-625 of the Civil Administrative Code of Illinois [20 ILCS 5/5-625], Section 1.5 of the Fish and Aquatic Life Code of 1971 [ ILCS 5/1.5], and Section 1.4 of the Wildlife Code [520 ILCS 5/1.4].
- 5) Effective Date of Amendments: February 26, 2001
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: November 13, 2000, 24 Ill. Reg. 16431
- 10) Has JCARC issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: The title of the Part was changed to read: Department Revocation Procedures

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In Section 2530.320(d), "motion" was changed to "petition"

- 12) Have all the changes agreed upon by the agency and JCRR been made as indicated in the agreements issued by JCRR? Yes

- 13) Will this rulemaking replace an emergency rulemaking currently in effect?  
No

- 14) Are there any amendments pending on this Part? No

- 15) Summary and Purpose of Rulemaking: This Part was amended to create a point system for revocation and suspension of DNR-issued licenses.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Jack Price  
Department of Natural Resources  
524 S. Second Street, Room 430  
Springfield IL 62701-1787  
217/782-1809

The full text of the adopted amendments begins on the next page:

## DEPARTMENT OF NATURAL RESOURCES

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## TITLE 17. CONSERVATION

## CHAPTER I: DEPARTMENT OF NATURAL RESOURCES

## SUBCHAPTER I: ADMINISTRATIVE SERVICES

## PART 2530

DEPARTMENT REVOCATION PROCEDURES FORMAL HEARINGS-CONTESTED-PDR  
RULEMAKING-AND-CONTESTED-CASES

## SUBPART A: GENERAL RULES

Section
2530.10 Applicability
2530.10 Definitions
2530.20 Filing
2530.30 Documents
2530.40 Computation of Time
2530.50 Appearances
2530.60

## SUBPART B: SUMMARY REVOCATION/SUSPENSION RULEMAKING-PROCEEDURES

Section
2530.110 Applicability (Recodified)
2530.130 Rules Proposed by Member of Public (Recodified)
2530.140 Authorization of Hearing (Recodified)
2530.150 Notice of Hearing (Recodified)
2530.160 Hearing Officer (Recodified)
2530.180 Written Submission (Recodified)
2530.190 Record (Recodified)
2530.200 Revision of Proposed Rules (Recodified)
2530.210 Filing and Publication of Final Rules (Recodified)
2530.220 Applicability
2530.230 Point System
2530.240 Points
2530.250 Groups
2530.260 Computation of Suspension Period
2530.270 Procedures
2530.280 Appeal and Hearing

## SUBPART C: HEARINGS OF CONTESTED CASES

Section
2530.310 Applicability
2530.320 Initiation of Proceedings
2530.330 Parties
2530.340 Notice and Complaint
2530.350 Service
2530.360 Notice of Hearing
2530.370 Prehearing Conferences



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2530.380 Authority of Hearing Officer  
 2530.390 Order of Enforcement Hearings  
 2530.400 Official Notice  
 2530.410 Default  
 2530.420 Evidence  
 2530.430 Motions and Answers  
 2530.470 Record  
 2530.480 Briefs and Oral Arguments  
 2530.482 Disposition  
 2530.484 Compelling Appearance at Hearing  
 2530.486 Recording of Hearing  
 2530.490 Decision and Order

**AUTHORITY:** Implementing and authorized by Section 20-105 of the Fish and Aquatic Life Code of 1971 [515 ILCS 5/20-105], Section 3.36 of the Wildlife Code [520 ILCS 5/3.36], Sections 4 and 5 of the Illinois Endangered Species Protection Act [520 ILCS 10/4 and 5], Section 3B-8 of the Boat Registration and Safety Act [625 ILCS 45/3B-8] and the Illinois Administrative Procedure Act [5 ILCS 100] and authorized by Section 5-625 of the Civil Administrative Code of Illinois [20 ILCS 5/5-625], Section 1.5 of the Fish and Aquatic Life Code of 1971 [515 ILCS 5/1.5], and Section 1.4 of the Wildlife Code [520 ILCS 5/1.4].

**SOURCE:** Filed December 21, 1977; effective December 31, 1977; codified at 511. Reg. 10664; amended at 6 111. Reg. 10687, effective August 25, 1982; Subpart B reclassified to 2 111. Reg. 825; Subpart B at 8 111. Reg. 4133; effective March 19, 1984; amended at 10 111. Reg. 20201, effective November 25, 1986; reclassified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 111. Reg. 9389; amended at 25 111. Reg. 3659, effective 11/2/01.

## SUBPART A: GENERAL RULES

## Section 2530.20 Definitions

In this Part the following terms shall have the meanings specified below:

"Contested case" means an adjudicatory proceeding, not including rate making, rulemaking, quasi-legislative, informational or similar proceedings, in which the individual legal rights, duties or privileges of a party are required by law to be determined by an agency only after an opportunity for hearing. [5 ILCS 100/1-30]

"Department" means the Illinois Department of Natural Resources. [520 ILCS 5/1.2d]

"Director" means the director of the Illinois Department of Natural Resources. [520 ILCS 5/1.2e]

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"Hearing Officer" means the presiding officer or officers at the initial hearing before the Department and each continuation. [5 ILCS 100/1-15]

"License" includes the whole or part of any Department permit, stamp, license, certificate, approval, registration, or similar form or permission required by law. [5 ILCS 100/1-35]

"Licensing" includes the Department procedures respecting the grant, denial, renewal, revocation, suspension, annulment, withdrawal or amendment of a license. [5 ILCS 100/1-40]

"Party" means such person or agency named or admitted as a party, or properly seeking and entitled as of the right to be admitted as a party. [5 ILCS 100/1-55]

"Person" means any individual, partnership, corporation, association, governmental subdivision, or public or private organization of any character other than an agency. [5 ILCS 100/1-60]

"Rule" means each agency statement of general applicability that implements, applies, interprets, or prescribes law or policy, but does not include:

a) Statements concerning only the internal management of an agency and not affecting private rights or procedures available to persons or entities outside the agency,

b) Informal advisory rulings issued pursuant to Section 5-150 of the Illinois Administrative Procedure Act [5 ILCS 100/5-150]. ~~###: Rev-Stat-1991, ch-427, par--665-1504~~

c) Intra-agency memorandum, or

d) The prescription of standardized forms. [5 ILCS 100/1-70]

(Source: Amended at 25 111. Reg. 3659; effective 11/2/01.)

## Section 2530.30 Filing

Motions, petitions for proposed rules, pleadings and other documents permitted or required to be filed with the Department shall be addressed to and mailed or filed with the Department of Natural Resources, Lincoln Tower Plaza, 524 South Second, Springfield, Illinois 62701 62706.

(Source: Amended at 25 111. Reg. 3659; effective 11/2/01.)

DEPARTMENT OF NATURAL RESOURCES  
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Section 2530.50 Computation of Time

- a) Computation of any period of time prescribed by this Part ~~these rules~~ shall begin with the first business day following the day on which the act, event or development initiating such period of time occurs, and shall run until the end of the last day, or the next following business day if the last day is a Saturday, Sunday or legal holiday, where the period of time is five days or less, Saturdays, Sundays, and legal holidays shall be excluded in the computation of time.
- b) Notice requirements shall be construed to mean notice ~~received~~ but ~~proof-that-notice~~ was dispatched by means reasonably calculated to be received by the prescribed date ~~shall-be-prima-facie-proof-that-notice~~ ~~was-timely-received~~.

(Source: Amended at 25 Ill. Reg. § 6 F §, effective 1/1/80)

SUBPART B: SUMMARY REVOCATION/SUSPENSION REBERMARKING-PROCEEDURES

Section 2530.220 Applicability

This Subpart governs the practices and procedures related to revocation of licenses and suspension of privileges under the jurisdiction of the Department of Natural Resources when such revocation and/or suspension is based upon determinations of guilt by a court of law.

(Source: Added at 25 Ill. Reg. § 6 F §, effective 1/1/80)

Section 2530.230 Point System

Any person found guilty by a circuit court of the State of Illinois (including supervision or conditional discharge) or a United States District Court in an Illinois District of an offense that is a violation of any of the provisions of the Fish and Aquatic Life Code [515 ILCS 5], the Wildlife Code [520 ILCS 5], the Timber Buyers Licensing Act [325 ILCS 735], the Forest Products Transportation Act [325 ILCS 740], the Ginseng Harvesting Act [325 ILCS 201], the Endangered Species Act [520 ILCS 10], or any similar violation of federal statutes or rules, shall be assessed points as set out in Section 2530.240. Licenses, permits and stamps shall be revoked, and privileges shall be suspended, based upon the accumulated points.

(Source: Added at 25 Ill. Reg. § 6 F §, effective 1/1/80)

Section 2530.240 Points

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- a) For a petty offense - 3 points
- b) For a Class C Misdemeanor - 6 points
- c) For a Class B Misdemeanor - 9 points
- d) For a Class A Misdemeanor - 12 points
- e) For a Class 4 Felony - 24 points
- f) For a Class 3 Felony - 60 points
- g) For any violation committed during a period of suspension - 60 points
- (Source: Added at 25 Ill. Reg. § 6 F §, effective 1/1/80)

Section 2530.250 Groups

- a) Group A = Wildlife Code, Endangered Species Protection Act - Wildlife, and Federal Offenses - Wildlife
- b) Group B = Fish and Aquatic Life Code, Endangered Species Protection Act - Aquatic Life, and Federal Offenses - Aquatic Life
- c) Group C = Timber Buyers Licensing Act, Forest Products Transportation Act, Ginseng Harvesting Act, Endangered Species Protection Act - Plants, Federal Offenses - Plants

(Source: Added at 25 Ill. Reg. § 6 F §, effective 1/1/80)

Section 2530.260 Computation of Suspension Period

Any person who, within a 36 month period, accumulates 13 or more points in a single group as set out in Section 2530.250 shall have all licenses, permits and stamps relevant to that group revoked, and the person's privilege to engage in the activity covered by the group shall be suspended for a period of time that equals one month for each point accumulated. Lifetime licenses issued pursuant to 515 ILCS 5-20-45(f) shall only be revoked for felony violations or for violations committed during a period of suspension. The privileges of lifetime license holders shall be suspended, however, in accordance with the provisions of this Section. All accumulated points shall remain in effect for 36 months from the date of the arrest that resulted in the point accumulation and shall not be removed or reduced by a period of suspension.

- a) Example: Found guilty of unlawful taking of white-tailed deer during closed season (Class A Misdemeanor) and taking an over limit of quail (petty offense) - hunting license, trapping license, migratory waterfowl stamp and habitat stamp revoked - privileges authorized under Group A suspended for 15 months from date of notice.
- b) Example: Convicted of a Class B Misdemeanor under the Wildlife Code and a Class B Misdemeanor under the Fish Code - no revocation or suspension as there is no 13 point accumulation in any one group.
- c) Example: Person in subsection (a) above completes 15 month suspension; two months later (less than 36 months from first violation) the person commits unlawful taking of white-tailed deer.



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advise respondents of the full extent and nature of matters complained of to allow preparation of a defense; and

3) A concise statement of the relief that the complainant seeks; and

4) A statement that the relief stated in the complaint shall be granted if the respondent does not answer, respond or attend a hearing as set out in this Part.

(Source: Amended at 25 Ill. Reg. § 2.10, effective 1-24-90.)

## Section 2530.350 Service

a) A copy of the complaint shall either be served personally on the respondent or his authorized agent, or shall be served by registered or certified mail with return receipt signed by the respondent or his authorized agent. Proof of receipt of the complaint shall be made by affidavit of the person making personal service, or by properly executed registered or certified mail receipt. Proof of service of the complaint shall be filed with the Hearing Officer immediately upon completion of service.

b) Any pleadings, motions or discovery notices, after issuance of the complaint, shall be served personally or by First Class United States Mail, and copies thereof shall be filed with the Hearing Officer with proof of service. Proof of service of any paper other than the complaint shall be by certificate of attorney, affidavit or acknowledgment.

c) Notice of license revocation and suspension of privileges shall be sent by mail to the last known address of the person whose license is revoked or privilege suspended. Deposit of such notice, correctly addressed, postage prepaid, shall be satisfactory to prove notice was received 4 days after the mailing.

(Source: Amended at 25 Ill. Reg. § 2.10, effective 1-24-90.)

## Section 2530.360 Notice of Hearing

a) Time and Location of Hearing

1) The Hearing Officer shall set a date, time and place for hearing that which shall be not later than 90 days after receipt of a timely request for hearing date shall not be later than 90 days after service of the complaint.

2) The hearing shall be held in the offices of the Department in Springfield, Illinois or in such other place as the Hearing Officer shall for stated cause designate. He shall give notice at least 15 days prior to the date of the hearing to the parties, in accordance with this Part.

## DEPARTMENT OF NATURAL RESOURCES

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b) The Department shall give notice of each complaint and hearing in which it is the complainant, not later than 15 days prior to the date on which the hearing is scheduled, to the following:

1) any person who has complained to the Department with respect to respondent within 6 months preceding the date of the complaint;

2) any person in the county in which the alleged offending activity occurred who has requested notice of enforcement proceedings;

3) Those persons notified of revocation and/or suspension pursuant to Section 2530.350(C) who request a hearing within 34 days after mailing by the Department of such notice; and

4) such other persons as required by law.

c) Failure to comply with the provisions of this Part may not be used as a defense to an enforcement action, but any person adversely affected by such failure of compliance may have the hearing postponed if prejudice is shown, upon motion to the Hearing Officer.

(Source: Amended at 25 Ill. Reg. § 2.10, effective 1-24-90.)

## Section 2530.490 Decision and Order

a) The Department shall prepare a written order and opinion for all final determinations. The order shall include findings of fact and conclusions of law and shall be signed by the Director after considering the Hearing Officer's recommendations and the factors listed in Section 2530.420(f)(2).

b) Findings shall include specific references to principal supporting items of evidence in the record.

c) Findings of fact and conclusions of law must be separately stated.

d) Department final order may include any or all of the following:

1) A direction to cease and desist from violations of the Department's rules and orders;

2) Suspension of licenses or permits permit(s);

3) Revocation of a license or permit. A respondent who has had a license revoked shall not be issued any license or permit by the Department for a period not to exceed 5 years. Such a person shall not legally possess a license or permit or engage in the activity such a license or permit would allow should that person obtain a license or permit during that period;

4) Such other determinations that may be appropriate.

e) The Department shall notify all parties or their agents either personally or by registered or certified mail of any final order final order.

f) The Department's order shall be the final administrative decision of the Department.

(Source: Amended at 25 Ill. Reg. § 2.10, effective 1-24-90.)



DEPARTMENT OF NATURAL RESOURCES  
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F. 1. . . . .

DEPARTMENT OF NATURAL RESOURCES  
NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Open Space Lands Acquisition and Development Grant Program
- 2) Code Citation: 17 Ill. Adm. Code 3025
- 3) Section Numbers:      Adopted Action:  
3025.30                    Amendment  
3025.60                    Amendment  
3025.70                    Amendment
- 4) Statutory Authority: Implementing an authorized by the Open Space Lands Acquisition and Development Act [525 ILCS 35].
- 5) Effective Date of Rulemaking: February 26, 2001
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: November 13, 2000, 24 Ill. Reg. 16443
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rulemaking currently in effect?  
No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: Changes were made to maintain a 20-year amortization schedule given the new \$400,000 grant maximums (increased from \$200,000) for the OSPLD Program (the grant maximums are established by DNR policy and are not specified in the rule); and to broaden the rule language to allow flexibility in the type of documentation required to substantiate project costs.
- 16) Information and questions regarding these adopted amendments shall be directed to:



DEPARTMENT OF NATURAL RESOURCES  
 NOTICE OF ADOPTED AMENDMENTS  
 TITLE 17: CONSERVATION  
 CHAPTER 1: DEPARTMENT OF NATURAL RESOURCES  
 SUBCHAPTER 9: GRANTS  
 PART 3025  
 OPEN SPACE LANDS ACQUISITION  
 AND DEVELOPMENT GRANT PROGRAM

Section	Program Objective
3025.10	Incorporation by Reference (Repealed)
3025.20	Eligibility Requirements
3025.25	Assistance Formula
3025.30	General Procedures for Grant Applications and Awards
3025.40	Eligible Project Costs
3025.50	Project Evaluation Priorities
3025.60	Program Compliance Requirements
3025.70	Program Information/Contact
3025.80	

APPENDIX A Project Evaluation Criteria

AUTHORITY: Implementing and authorized by the Open Space Lands Acquisition and Development Act [525 ILCS 35].

SOURCE: Emergency amendments adopted at 9 Ill. Reg. 13113, effective August 7, 1985, for a maximum of 150 days; adopted at 9 Ill. Reg. 18486, effective November 20, 1985; amended at 10 Ill. Reg. 13253, effective July 30, 1986; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 22 Ill. Reg. 14817, effective August 3, 1998; amended at 23 Ill. Reg. 8398, effective July 7, 1999; amended at 25 Ill. Reg. 3673, effective 1/1/2001.

Section 3025.30 Assistance Formula

The OSRAD program shall operate on a reimbursement basis providing up to a maximum of 50% funding assistance on total approved project costs. Except for jurisdictions having populations exceeding 2 million residents, maximum grant awards to any one project in a given year are currently limited to \$750,000 for approved land acquisition projects and \$400,000 for approved development (construction) projects. Counties serving a population exceeding 2 million residents are eligible for up to \$1.15 million in annual OSRAD funding for approved outdoor recreation acquisition and/or development projects. Municipalities with a population exceeding 2 million are eligible for up to \$2.3 million in annual OSRAD funding for approved projects. However, no more than 10% of the annual OSRAD appropriation can be allocated to any one project.

(Source: Amended at 25 Ill. Reg. 3673, effective 1/1/2001)

DEPARTMENT OF NATURAL RESOURCES  
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 Jack Price  
 Department of Natural Resources  
 524 S. Second Street, Room 430  
 Springfield IL 62701-1787  
 217/782-1809

The full text of the adopted amendments begins on the next page:

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(11/2/98)

## Section 3025.60 Project Evaluation Priorities

The following factors are used by the Department in evaluating and recommending local project applications for funding assistance consideration (see Appendix A):

- a) Statewide Outdoor Recreation Priorities - 60%
  - 1) Department Statewide Priorities - 35%
 

Projects are evaluated in terms of their ability to address major outdoor recreation and conservation issues identified by the Department in its "Statewide Outdoor Recreation Plan". These include, but are not limited to, natural area and wetland preservation, protection of endangered/threatened species and critical habitat resources, conservation education, creation of greenways and long distance trail corridors, water-based recreation, and recreation for disadvantaged populations and adaptive re-use/redevelopment of urban lands, including brownfields. These priorities are listed in the Department's OSLAD Local Participation Grant Manual (4/1/98 ed.); Illinois Department of Natural Resources Division of Grant Administration, 524 South Second Street, Springfield IL 62701-1787).
  - 2) Statewide Local Needs Assessment - 25%
 

Determination of local need is based on a comparison of:

    - a) existing local supply of recreation facilities per capita to the statewide median for those facilities as identified in the Department's "Statewide Outdoor Recreation Plan"; and
    - b) existing supply and distribution of open space and park land acreage, measured in acres/capita, to the statewide median on/or to locally adopted standards. Recreation needs based on project service area are also given consideration.
- b) Project concept and site characteristics - 25%
 

The project proposal is evaluated in terms of the site's physical and aesthetic qualities, including accessibility; soil, topographic and hydrologic characteristics; site vegetation; compatibility with adjacent land uses; environmental intrusion on the site; impacts to cultural and natural resources; and the overall recreational diversity provided by the project.
- c) Local Planning - 10%
 

The major consideration under this criteria is public support and input into the project plan and existence of a comprehensive local recreation and/or open space plan identifying the proposed project as a priority. Consideration is also given for unique recreation opportunities not specifically identified in a local plan but having documented widespread public support.
- d) Other Considerations - 5%
 

Relevant factors considered in evaluating the overall merits of a project and need for funding include projects located in inner-urban

## DEPARTMENT OF NATURAL RESOURCES

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areas; proposing initial site development; involving private donations; representing economic revitalization efforts; or from applicants not previously benefitting from OSLAD assistance.

- e) Penalty factors - (deduct up to 13%)
 

Consideration is given to the applicant's past performance in completing OSLAD or other department grant projects or unresolved project violations, ability to properly maintain the project site, and failure to cooperate with the Department in completing the "Illinois Recreation Facilities Inventory" (IRFI).
- f) Project Application Review and Grant Award:
 

Department grant staff, in consultation with executive and appropriate resource staff, reviews all applications in accordance with established evaluation criteria. Preliminary recommendations are then submitted to the Department's "Natural Resource Advisory Board" for consideration at a public hearing conducted by the Board after which final recommendations are forwarded to the Director for OSLAD grant approval.

(Source: Amended at 25 Ill. Reg. 5.04, effective 11/2/98)

## Section 3025.70 Program Compliance Requirements

- a) Any property acquired or developed through assistance from the Illinois OSLAD grant program must be open to the public for outdoor recreation use as set forth in this Part without regard to race, color, creed, national origin, sex or disability nor on the basis of residence except to the extent that reasonable differences in user fees may be imposed amounting to no more than double the fees charged to residents. Land acquired with funding assistance from the OSLAD program shall be operated and maintained in perpetuity for public outdoor recreation use. Projects receiving development grant assistance only shall be bound by the terms of this Part for the period of time specified below for the total amount of OSLAD funds expended on the project:

Total Grant Expenditure	Time Period after Final Grant Payment
\$0 - \$50,000	65 years
for every \$25,000 \$10,000 increment over \$50,000	add 1 year

Property acquired or developed with OSLAD funds may not be converted to a use other than public outdoor recreation use as provided in this part without prior Department approval. Approval for property conversion will be granted only if the project sponsor substitutes

## DEPARTMENT OF NATURAL RESOURCES

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- replacement property of at least equal fair market value and comparable outdoor recreation usefulness, quality and location.
- b) For projects receiving acquisition assistance, an appraisal must be provided by the sponsoring agency and submitted to the Department for review and certification to establish the property's fair market value. The appraisal must be completed to Department specifications.
- c) For projects receiving development assistance, the sponsoring agency must possess either fee simple title or other means of legal control and tenure (easement, lease, etc.) over the property being improved for a period of time commensurate with the program amortization schedule shown in subsection (a), unless otherwise approved by the Department. The Department will consider, on a case-by-case basis, lease arrangements for shorter periods when State statute prohibits a unit of local government from entering into such a long-term agreement, or other circumstances beyond the control of the local unit of government prohibit such arrangements. The sponsor must also adhere to applicable State and local procurement requirements and make available to the Department, upon request, all working plans, specifications, contract documents and cost estimates for review prior to commencing work. The format for any advertisement or prospectus soliciting and inviting bids, indicating dates of same, must also be presented, upon request, to the Department for review prior to publication. The Department will notify the project sponsor if the proposed project requires approval from a registered structural engineer.
- d) The local project sponsor is required to enter into an agreement with the Department for an amount agreed upon as necessary to complete the approved project, specifying the related grant reimbursement amount and program compliance regulations.
- e) Upon project completion, the project sponsor must submit a certified project billing request (expenditure statement) listing/verifying all funds expended on the project for which grant reimbursement is sought, as well as required billing documentation, as follows:
- 1) Acquisition Project: Proof of good faith negotiations or fair market value offer to land seller, copy of property deed and title insurance policy (Judgment Order in case of condemnation) showing ownership transferred to the local project sponsor, and copies of canceled checks ~~check(s)~~ showing proof of payment to seller.
  - 2) Development Projects: Copy of construction As-Built drawings (no larger than 11" x 17") and verification of actual project costs. ~~7-copy-of--receipts/invoices-for--project--costs;--and--copy--of--canceled-checks--showing-proof-of-payment;~~
  - f) Financial records on approved projects must be maintained and retained by the project sponsor for possible State audit for a period of five years after final reimbursement payment is made by the Department.
  - g) The sponsoring agency must permanently post an OSLAD grant acknowledgment sign at the project site. The necessary sign will be

## DEPARTMENT OF NATURAL RESOURCES

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- provided by the Department or specifications for its construction will be furnished to the local project sponsor, if requested.
- b) Projects assisted with OSLAD grant funds shall be implemented in accordance with all applicable federal, State and local laws, ordinances and regulations relating to public agency expenditure of funds for public works projects.
- i) It shall be understood by the project sponsor that a Department representative may make periodic inspections of the project as construction progresses and that a final inspection and acceptance of the completed project must be made by a representative or agent of the Department prior to final payment of grant reimbursement to the local sponsoring agency.
- j) The sponsoring agency shall indemnify, protect, defend and hold harmless the Department from any and all liability, costs, damages, expenses, or claims thereof arising under, through or by virtue of the construction, operation and maintenance of OSLAD-assisted facilities.
- k) In connection with and prior to the construction, and the subsequent operation and maintenance, of OSLAD-assisted facilities, it shall be understood that the project sponsor is responsible for obtaining any and all necessary construction permits, licenses or forms of consent, as required by law. Failure to obtain any required permits ~~permits(s)~~ may jeopardize approved grant funding.
- l) The sponsoring agency must comply with and abide by the following operation and maintenance provisions:
- 1) All lands and facilities assisted with OSLAD funds shall be continuously operated and maintained by the sponsoring agency in a safe and attractive manner at no cost to the Department and be operated and utilized in such a manner as to maximize the intended benefits to and for the public.
  - 2) The Department shall have access to OSLAD-assisted facilities at all times for inspection purposes to ensure the project sponsor's continued compliance with this part.
  - 3) The sponsoring agency may enter into a contract or agreement with responsible concessionaires to operate and/or construct facilities, for dispersing food to the public and/or any other services as may be desired by the public and the sponsoring agency for enjoyable and convenient use of the OSLAD-assisted site. Any and all concession revenue in excess of the costs of operation and maintenance of the OSLAD lands and/or facilities shall be used for the improvement of said lands or facilities or similar nearby public facilities. All sub-leases or licenses entered into by the sponsoring agency with third persons relating to accommodations or concessions to be provided for or at the OSLAD facility for benefit of the public shall be submitted to the Department, upon request, for its approval prior to the sub-lease or license being entered into or granted by the sponsoring agency.
  - m) Conflict of Interests.

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- 1) No official or employee of the local political subdivision who is authorized in his official capacity to negotiate, make, accept, or approve or to take part in such decisions regarding a contract or subcontract in connection with an approved OSLAD grant project shall have any financial or other personal interest in any such contract or subcontract.
- 2) No person performing services for the local political subdivision in connection with an approved OSLAD grant project shall have a financial or other personal interest other than his employment or retention by that local political subdivision in any contract or subcontract in connection with an approved OSLAD grant project. No officer or employee of such person retained by the local political subdivision shall have any financial or other personal interest in any real property acquired under an approved OSLAD grant project unless such interest is openly disclosed upon the public records of the local political subdivision and such officer, employee or person has not participated in the acquisition for or on behalf of the local political subdivision.
- n) The project sponsor certifies that it provides a drug free workplace and related employee assistance as defined and required by the Drug Free Workplace Act (30 ILCS 105/16).
- o) Pursuant to 775 ILCS 5/2-105(A)(4), the project sponsor certifies that it has a written sexual harassment policy that includes, at a minimum, the following information:
  - 1) the illegality of sexual harassment;
  - 2) the definition of sexual harassment under State law;
  - 3) a description of sexual harassment utilizing examples;
  - 4) the contractor's internal complaint process, including penalties;
  - 5) the legal recourse, investigation and complaint process available through the Illinois Department of Human Rights and the Human Rights Commission and directions on how to contact both; and
  - 6) protection against retaliation as provided by Section 6-101 of the Illinois Human Rights Act [775 ILCS 5/6-101]. A copy of the policy shall be provided to the Department of Human Rights upon request.

## p) Program Violations and Project Termination

- 1) The State will unilaterally rescind project agreements at any time prior to the commencement of the project in the event that State funds are not appropriated for the grant program. After project commencement, agreements may be rescinded, modified or amended only by mutual agreement with the local political subdivision. A project shall be deemed to be commenced when the local political subdivision makes any expenditure or incurs any obligation with respect to the project.
- 2) Failure by the local sponsoring agency to comply with any of the program terms listed in this Section shall be cause for the suspension of all grant assistance obligations, unless, in the judgement of the Department, such failure was due to no fault of

## DEPARTMENT OF NATURAL RESOURCES

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the local sponsoring agency (e.g., statutory changes, acts of God).

(Source: Amended at 25 Ill. Reg. 607.1, effective 1/18/2001)

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- 1) **Heading of the Part:** Mobile Sources
- 2) **Code Citation:** 35 Ill. Adm. Code 240
- 3) **Section Numbers:**  
 240.102 Amended  
 240.104 Amended  
 240.105 Amended  
 240.106 Amended  
 240.107 Amended  
 240.140 Amended  
 240.141 Amended
- 4) **Statutory Authority:** Implementing Sections 9, 10 and 13 and authorized by Sections 27 and 28.5 of the Environmental Protection Act [415 ILCS 5/9; 10, 13, 27, and 28.5] and Section 13B-20 of the Vehicle Emissions Inspection Law of 1995 [625 ILCS 5/13B-20]; implementing Section 13-109.2 of the Illinois Vehicle Code [625 ILCS 5/13-109.2].
- 5) **Effective Date of Amendments:** February 26, 2001
- 6) **Does this rulemaking contain an automatic repeal date?** No
- 7) **Do these amendments contain incorporations by reference?** Yes. See Section 240.107.
- 8) **A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.**
- 9) **Notice of Proposal Published in Illinois Register:** September 22, 2000, 24 Ill. Reg. 14146.
- 10) **Has JCAR issued a Statement of Objection to these amendments?** No
- 11) **Differences between proposal and final version:** The Board adopted the rule in substantially similar form as the original proposal, with the addition of definitions for snap acceleration test and vehicle curb weight, as requested by the Joint Committee on Administrative Rules. The Board has also made minor grammatical changes to the rule.
- 12) **Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements letter issued by JCAR?** Yes
- 13) **Will these amendments replace emergency amendments currently in effect?** No
- 14) **Are there any amendments pending on this Part?** No

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- 15) **Summary and Purpose of Amendments:** The Illinois General Assembly directed the Board to amend its smoke opacity standards and test procedures for diesel-powered heavy duty vehicles, commonly referred to as heavy-duty diesel powered vehicles (HDDVs), as set forth in 35 Ill. Adm. Code 240. The General Assembly specifically requires the Board to amend its smoke opacity standards to be consistent with guidance of the United States Environmental Protection Agency (USEPA), with one exception. USEPA guidance calls for 1990 or earlier model HDDVs to meet a 55% peak smoke opacity standard. See USEPA "Guidance to States on Smoke Opacity Cutoffs to be Used with the SAE J1667 In-Use Smoke Test Procedure," (1999 USEPA Guidance) EPA420-F-99-024 at 1, February 25, 1999. The General Assembly, however, mandated that 1973 and earlier models of HDDVs must only meet a 70% smoke opacity standard until January 1, 2003. See 625 ILCS 5/13-109.1(b) (1999).
- The General Assembly also requires the Board to amend its smoke opacity test procedures to be consistent with the Society of Automotive Engineers (SAE) recommended practice. The Board's adopts amendments to 35 Ill. Adm. Code 240 are consistent with these legislative directives.
- A more detailed discussion of these rules is contained in the Board's opinion and order in R01-8, which the Board adopted on January 18, 2001. The opinion and order are available from the Board's Chicago office and on the Board's Web site at [www.ipcb.state.il.us](http://www.ipcb.state.il.us).
- 16) **Information and questions regarding these adopted amendments shall be directed to:**  
 Stacy Meyers  
 Illinois Pollution Control Board  
 100 West Randolph Street, Suite 11-500  
 Chicago, Illinois 60601  
 (312) 814-7011
- The opinion and order for this rule (R01-8) are available on the Board's Web site ([www.ipcb.state.il.us](http://www.ipcb.state.il.us)). For copies please contact:  
 Dorothy Gunn, Clerk  
 Illinois Pollution Control Board  
 100 W. Randolph St., Suite 11-500  
 Chicago, IL 60601  
 (312) 814-3620

The full text of the adopted amendments begins on the next page:



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

## TITLE 35: ENVIRONMENTAL PROTECTION

## SUBTITLE B: AIR POLLUTION

## CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER K: EMISSION STANDARDS AND LIMITATIONS  
FOR MOBILE SOURCES

## PART 240

## MOBILE SOURCES

## SUBPART A: DEFINITIONS AND GENERAL PROVISIONS

Section  
240.101  
240.102  
240.103  
240.104  
240.105  
240.106  
240.107

Preamble  
Definitions  
Prohibitions  
Inspection  
Penalties  
Determination of Violation  
Incorporations by Reference

## SUBPART B: EMISSIONS

Section  
240.121  
240.122  
240.123  
240.124  
240.125

Smoke Emissions  
Diesel Engine Emissions Standards for Locomotives  
Liquid Petroleum Gas Fuel Systems  
Vehicle Exhaust Emission Standards (Repealed)  
Compliance Determination (Repealed)

SUBPART C: HEAVY-DUTY-DIESEL SMOKE OPACITY STANDARDS AND TEST PROCEDURES  
FOR DIESEL-POWERED HEAVY DUTY VEHICLES

Section  
240.140  
240.141

Applicability  
Heavy-Duty-Diesel-Vehicle Smoke Opacity Standards and Test Procedures  
for Diesel-Powered Heavy Duty Vehicles

## SUBPART D: STEADY-STATE IDLE MODE TEST EMISSION STANDARDS

Section  
240.151  
240.152  
240.153

Applicability  
Steady-State Idle Mode Vehicle Exhaust Emission Standards  
Compliance Determination

## SUBPART E: TRANSIENT LOADED MODE TEST EMISSION STANDARDS

Section  
240.161

Applicability

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

240.162 Vehicle Exhaust Emission Start-Up Standards  
240.163 Vehicle Exhaust Emission Final Standards  
240.164 Vehicle Exhaust Emission Fast-Pass Standards  
240.165 Compliance Determination

## SUBPART F: EVAPORATIVE TEST STANDARDS

Section  
240.171  
240.172  
240.173

Applicability  
Evaporative System Integrity Test Standards  
Evaporative System Purge Test Standards (Repealed)

## SUBPART G: ON-ROAD REMOTE SENSING TEST EMISSION STANDARDS

Section  
240.181  
240.182  
240.183

Applicability  
On-Road Remote Sensing Emission Standards  
Compliance Determination

## SUBPART H: ON-BOARD DIAGNOSTIC TEST STANDARDS

Section  
240.191  
240.192  
240.193

Applicability  
On-Board Diagnostic Test Standards  
Compliance Determination

## APPENDIX A Rule into Section Table

## APPENDIX B Section into Rule Table

## TABLE A Vehicle Exhaust Emission Start-Up Standards

## TABLE B Vehicle Exhaust Emission Final Standards

## TABLE C Vehicle Exhaust Emission Fast-Pass Standards

AUTHORITY: Implementing Sections 9, 10 and 13 and authorized by Sections 27 and 28.5 of the Environmental Protection Act [415 ILCS 5/9, 10, 13, 27, and 28.5] and Section 13B-20 of the Vehicle Emissions Inspection Law of 1995 [625 ILCS 5/13B-20]; Implementing Section 13-109.2 of the Illinois Vehicle Code [625 ILCS 5/13-109.2].

SOURCE: Adopted as Chapter 2: Air Pollution, Part VII: Mobile Sources, filed and effective April 14, 1972; codified at 7 Ill. Reg. 13628; amended in R85-25, at 10 Ill. Reg. 11277, effective June 16, 1986; amended in R90-20 at 16 Ill. Reg. 6184, effective April 7, 1992; amended in R94-20 at 18 Ill. Reg. 18013, effective December 12, 1994; amended in R94-19 at 18 Ill. Reg. 18228, effective December 20, 1994; amended in R98-24 at 22 Ill. Reg. 13723, effective July 13, 1998; expedited correction at 22 Ill. Reg. 21120, effective July 13, 1998; amended in R01-8 at 25 Ill. Reg. ~~3680~~ effective ~~7/13/99~~.

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BOARD NOTE:--This Part implements the Environmental Protection Act as of July 17, 1994.

SUBPART A: DEFINITIONS AND GENERAL PROVISIONS

Section 240.102 Definitions

All terms which appear in this Part have the definitions specified in this Part and 35 Ill. Adm. Code 201 and 211. Where conflicting definitions occur, the definitions of this Section apply in this Part.

"Adjusted loaded vehicle weight ("ALVW") means the value of the vehicle curb weight plus gross vehicle weight rating divided by two.

"Agency" means the Illinois Environmental Protection Agency.

"Diesel engine" means all types of internal-combustion engines in which air is compressed to a temperature sufficiently high to ignite fuel injected directly into the cylinder area.

"Diesel locomotive" means a diesel engine vehicle designed to move cars on a railway.

"Evaporative system integrity test" means a test of a vehicle's evaporative system. The test shall either consist of a leak check of a vehicle's fuel cap with a fuel cap pressure decay tester (fuel cap pressure decay test), a fuel cap leak flow tester (fuel cap leak flow test), or a visual functional check, as applicable.

"Fuel cap" means a device used to seal a vehicle's fuel inlet.

"Fuel cap leak flow test" means a test which may be performed in accordance with this Part on a vehicle's fuel cap using a fuel cap leak flow tester to determine whether the vehicle complies with the evaporative system emission standards of this Part.

"Fuel cap leak flow tester" means a device used to determine the leak flow integrity of a vehicle's fuel cap by comparing the measured leak flow of the fuel cap with an established fuel cap leak flow standard.

"Fuel cap pressure decay test" means the test performed in accordance with this Part on a vehicle's fuel cap using a fuel cap pressure decay tester to determine whether the vehicle complies with the evaporative system emission standards of this Part.

"Fuel cap pressure decay tester" means a device used to determine the pressure decay integrity of a vehicle's fuel cap by monitoring the pressure behind the fuel cap for a ten second period and comparing the

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measured pressure decay of the fuel cap to an established fuel cap pressure decay standard.

"Fuel cap visual functional test" means the test performed in accordance with this Part on a vehicle's fuel cap using visual analysis to determine whether the vehicle complies with the evaporative system emission standards of this Part.

"Full power position" means the throttle position at which the engine fuel delivery is at maximum flow.

"Gross vehicle weight rating (GVWR)" means the value specified by the manufacturer as the maximum design loaded weight of a single vehicle.

"Heavy duty vehicle" means any motor vehicle rated at more than 8500 pounds GVWR or that has a vehicle curb weight of more than 6000 pounds or that has a basic vehicle frontal area in excess of 45 square feet.

"High idle" means a vehicle operating condition with engine disconnected from an external load (placed in either neutral or park) and operating at speed of  $2500 \pm 300$  RPM.

"IM240" means the transient mass emissions inspection procedure that the USEPA developed and has been implemented for use in the Illinois Enhanced Vehicle Inspection and Maintenance Program. 240 refers to the 240 second maximum duration of the driving cycle that the vehicle undergoes as it is positioned on the dynamometer and essentially driven for the purpose of measuring the mass amount of emissions coming out of the tail pipe.

"Idle mode" means that portion of a vehicle emission test procedure conducted with the engine disconnected from an external load and operating at minimum throttle.

"Initial idle mode" means the first of up to two idle mode sampling periods during a steady-state idle mode test, during which exhaust emission measurements are made with the vehicle in "as-received" condition.

"Light duty truck 1" means a motor vehicle rated at 6000 pounds maximum GVWR or less and which has a vehicle frontal area of 45 square feet or less, and which is designed primarily for purposes of transportation of property or is a derivation of such a vehicle or is designed primarily for transportation of persons and has a capacity of more than 12 persons, or is available with special features enabling off-street or off-highway operation and use.

"Light duty truck 2" means a motor vehicle rated between 6001 and 8500

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pounds maximum GVWR and which has a vehicle frontal area of 45 square feet or less, and which is designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or is designed primarily for transportation of persons and has a capacity of more than 12 persons, or is available with special features enabling off-street or off-highway operation and use.

"Light duty vehicle" means a passenger car or passenger car derivative capable of seating 12 passengers or fewer.

"Loaded mode" means that portion of a vehicle emission test procedure conducted with the vehicle positioned and operating under load on a chassis dynamometer.

"Loaded vehicle weight (LW)" means the vehicle curb weight plus 300 pounds.

"Measured values" means five second running averages of exhaust emission concentrations sampled at a minimum rate of twice per second.

"Model year" means the year of manufacture of a motor vehicle based upon the annual production period as designated by the manufacturer and indicated on the title and registration of the vehicle. If the manufacturer does not designate a production period for the vehicle, then "model year" means the calendar year of manufacture.

"Motor vehicle" as used in this Part, shall have the same meaning as in Section 1-146 of the Illinois Vehicle Code [625 ILCS 5/7-146].

"Opacity" means the percentage of light transmitted from a source that is prevented from reaching a light detector.

"Preconditioning mode" means a period of steady-state loaded mode or high-idle operation conducted to ensure that the engine and emissions control system components are operating at normal operating temperatures, thus minimizing false failures caused by improper or insufficient warm-up.

"Second-chance idle mode" means the second of two idle mode sampling periods during a steady-state idle mode test, preceded by a preconditioning mode and utilized as a second chance to pass idle exhaust emission standards immediately following an initial idle mode failure.

"Snap-acceleration test" means a test to measure exhaust smoke opacity from heavy-duty diesel powered vehicles in accordance with the SAE J1667 procedure, incorporated by reference at Section 240.107 of this Subpart.

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"Smoker" or "opacimeter" means an optical instrument designed to measure the opacity of smoke or diesel exhaust gases using the light extinction method.

"Snap-idle cycle" means rapidly depressing the accelerator pedal from normal idle to the full power position while the vehicle is in neutral holding the pedal in the position for no longer than ten seconds or until the engine reaches maximum RPM, and fully releasing the pedal so that the engine decelerates to normal idle.

"Steady-state idle test" means a vehicle emission test procedure consisting of an initial idle mode measurement of exhaust emissions followed, if necessary, by a loaded or high idle preconditioning mode and a second-chance idle mode.

"Transient loaded mode test" or "IM240 testing" or "transient IM240 loaded mode exhaust emission test procedure" or "transient IM 240 test procedure" means a vehicle emissions test run on an inertial and power absorbing dynamometer using USEPA's IM240 driving cycle consisting of accelerations and decelerations simulating on-road driving conditions.

"Vehicle curb weight" means the actual vehicle weight plus standard equipment and a full fuel tank.

(Source: Amended 25 Ill. Reg. 368 ( ), effective 1/1/2001)

## Section 240.104 Inspection

a) All motor vehicles subject to inspection pursuant to Section 13B-15 of the Vehicle Emissions Inspection Law of 1995 [625 ILCS 5/13B-15] shall comply with applicable vehicle emission standards contained in Sections 240.152, 240.162, 240.163, 240.172, 240.182, and 240.192 of this Part.

b) All diesel-powered vehicles subject to inspection pursuant to Section 13-109.1 of the Illinois Vehicle Code [625 ILCS 5/13-109.1] must comply with applicable smoke opacity standards set forth in Section 240.141(a) of this Part.

(Source: Amended 25 Ill. Reg. 368 ( ), effective 1/1/2001)

## Section 240.105 Penalties

a) Any violations of Sections 240.103, 240.121, 240.122, and 240.123 of this Part shall be subject to the penalties as set forth in Section 42 of the Act [415 ILCS 5/42].

b) Any violations of Sections 240.104(b), 240.152, 240.162, 240.163,

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240.172, 240.182, and 240.192 of this Part shall be subject to the penalties as set forth in Sections 13B-55 and 13B-60 of the Vehicle Emissions Inspection Law [625 ILCS 5/13B-55 and 13B-60].

- c) Any violation of Section 240.141(a) of this Part will be subject to penalties as set forth in Section 13-109.1 of the Illinois Vehicle Code [625 ILCS 5/13-109.1].

(Source: Amended at 25 Ill. Reg. 3680, effective 1/1/2000)

## Section 240.106 Determination of Violation

- a) Any violations of Sections 240.103, 240.121, 240.122, and 240.123 of this Part shall be determined by visual observation or by a test procedure employing an opacity measurement system as qualified by 35 Ill. Adm. Code 201, Subpart J.
- b) Any violations of Sections 240.152, 240.162, 240.163, 240.172, 240.182, or 240.192 of this Part shall be determined in accordance with test procedures adopted by the Agency in 35 Ill. Adm. Code 276.
- c) Any violation of Section 240.141(a) of this Part will be determined in accordance with test procedures set forth in Section 240.141(b) of this Part.

(Source: Amended at 25 Ill. Reg. 3680, effective 1/1/2000)

## Section 240.107 Incorporations by Reference

The following materials are incorporated by reference and include no later editions or amendments:

- a) Society of Automotive Engineers (SAE), 400 Commonwealth Drive, Warrendale, PA 15096-0001, [www.sae.org](http://www.sae.org); Report J1667, Snap-Acceleration Smoke Test Procedure for Heavy-Duty Diesel Powered Vehicles (February 1996) 255A-Diesel-Engine-Smoke-Measurement (August 1988).
- b) International Standards Organization (ISO); Case-Postate-567-1211 Geneva-20; Switzerland; ISO-955 (Working Draft January 1993); Also available from American National Standards Institute (ANSI); 11 West 43rd Street, New York, NY 10036.
- c) United States Environmental Protection Agency (USEPA), "High-Tech I/M Test Procedures, Emission Standards, Quality Control Requirements, and Equipment Specifications: IM240 and Functional Evaporative System Tests, Revised Technical Guidance," Report EPA-AA-RSPD-IM-96-1 (June 1996), 2565 Plymouth Road, Ann Arbor, MI 48105.

(Source: Amended at 25 Ill. Reg. 3680, effective 1/1/2000)

## SUBPART C: HEAVY-DUTY DIESEL SMOKE OPACITY STANDARDS AND TEST PROCEDURES

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## FOR DIESEL-POWERED HEAVY DUTY VEHICLES

## Section 240.140 Applicability

This Subpart applies to all on-road, diesel-powered heavy duty vehicles with 8,000-pounds-or-greater manufacturer's maximum gross vehicle weight rating (GVWR) operating in the State of Illinois.

(Source: Amended at 25 Ill. Reg. 3680, effective 1/1/2000)

## Section 240.141 Heavy-Duty Diesel-Vehicle Smoke Opacity Standards and Test Procedures for Diesel-Powered Heavy Duty Vehicles

- a) Diesel-powered heavy duty vehicles described in Section 240.140 of this Subpart are subject to the following standard for heavy-duty diesel-vehicle smoke opacity standards as follows:

- 1) Diesel-powered heavy duty vehicles that are model year No 1991 or newer later model year heavy-duty diesel-powered vehicle with a federal peak smoke engine certification operating on the roadways within the State of Illinois shall not exceed forty percent (40%) peak smoke opacity when tested in accordance with subsections (b) of this Section and (c).
- 2) Except as set forth in subsection (a)(3) of this Section, for subsection (a)(3) no heavy-duty diesel-powered heavy duty vehicle vehicles that are model year 1990 or older operating on the roadways within the State of Illinois shall not exceed fifty percent (50%) peak smoke opacity when tested in accordance with subsections (b) of this Section and (c).
- 3) Until December 31, 2002, diesel-powered heavy duty vehicles that are model year 1973 or older must not exceed 70% peak smoke opacity when tested in accordance with subsection (b) of this Section. Beginning on January 1, 2003, diesel-powered heavy duty vehicles that are model year 1973 or older must not exceed 55% peak smoke opacity when tested in accordance with subsection (b) of this Section.

- b) Test procedures and equipment for measuring peak smoke opacity from diesel-powered heavy duty vehicles must be in accordance with the Society of Automotive Engineer's (SAE) Recommended Practice J1667, "Snap-Acceleration Smoke Test Procedure for Heavy-Duty Diesel Powered Vehicles," (February 1996), incorporated by reference in Section 240.107 of this Part.

BOARD NOTE: The Illinois Department of Transportation also addresses the use of diesel smoke test procedures in 92 Ill. Adm. Code 460. The smoke opacity measurement shall be carried out using a light extinction type opacimeter capable of measuring and recording opacity continuously during the snap-idle testing cycle. A strip chart recorder or an equivalent or better recording device shall be



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used in concert with the opacimeter to record opacity continuously including peak values. The opacimeter shall be capable of providing opacity readings with sufficient resolution to obtain 0.5 second averaged values. The peak 0.5 second averaged value shall be used for showing compliance with the standard in subsection (a). Where the response time of the instrument is such that opacity is being measured at smaller than 0.5 second intervals, the meter shall have the capability of providing or allowing the calculation of 0.5 second averaged values.

- 1) The opacimeter shall be either an in-line full-flow opacimeter or end-of-line or plume-type full-flow opacimeter or a sampling type partial-flow opacimeter. The opacimeter and recording devices shall be calibrated according to manufacturers specifications. Corrections for the effect of exhaust stack diameter shall apply to opacity measurements made using an end-of-line full-flow opacimeter and
- 2) The opacimeter and recorder shall comply with specifications in the International Standards Organization ISO-393 and in Society of Automotive Engineers (SAE) report number D255a entitled "Diesel Engine Smoke Measurement" incorporated by reference in Section 240.107.

c) The test procedure using the snap-idle cycle shall occur when the engine is at normal operating temperature. The test shall consist of preparatory preconditioning and testing phases.

- 1) In the preparatory phase the vehicle shall be placed at rest. The transmission shall be placed in neutral and the vehicle wheels shall be properly restrained to prevent any rolling motion. In the event of a roadside test, it shall be acceptable under this Section for the driver to apply the brakes during the test.

- 2) In the preconditioning phase the vehicle shall be put through a snap-idle cycle three or more times until successive measured smoke opacity readings are within ten percent (10%) of each other. The opacimeter shall be rechecked prior to the preconditioning sequence to determine that its zero and span setting are adjusted to manufacturer's specifications.

- 3) In the testing phase the vehicle shall be put through the snap idle cycle three times:

- A) The smoke opacity shall be measured during the preconditioning and testing phase with an opacimeter meeting the requirements of subsection (b) and shall be recorded continuously on the recorder during each snap-idle cycle. The maximum 0.5 second averaged value recorded during each snap-idle cycle shall be the smoke opacity reading.
- B) The average of the three smoke opacity readings shall be used to determine compliance with the opacity standard in subsection (a).

d) Pursuant to Section 28.1(b) of the Act and 35-111, Adm. Code

## POLLUTION CONTROL BOARD

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166 Subpart G, any person petitioning for an adjusted standard from the 5% peak smoke opacity standard in subsection (a)(1) for BDE 1997-1999 Series 60 engines shall establish its justifications by providing the following information at a minimum:

- 1) The specific characteristics common only to all the 1997-1999 Series 60 engines that result in noncompliance with the 5% opacity standard.
- 2) All USEPA certification and snap/idle test data.
- 3) Economic and technical data related to the logistical or other perceived difficulties encountered or that may be encountered if the existing 1997-1999 Series 60 engine software were to be reprogrammed so as to come into compliance.
- 4) The alternative opacity standard proposed and supporting data.
- 5) Supporting data showing that the requested standard will not result in environmental or health effects substantially and significantly more adverse than the effects considered by the board in adopting the rule of general applicability. (Section 28.1(c)(3) of the Act)

(Source: Amended at 25 Ill. Reg.

11R 26.2001)

3480

effective



## OFFICE OF BANKS AND REAL ESTATE

## NOTICE OF EMERGENCY REPEALER

- 1) Heading of the Part: High Risk Home Loans
- 2) Code Citation: 38 Ill. Adm. Code 345
- 3) Section Number:  
345.130      Action:  
345.130      Repeal  
345.140      Repeal  
345.150      Repeal
- 4) Statutory Authority: Implementing and authorized by Section 48 of the Illinois Banking Act (205 ILCS 5/48)
- 5) Effective Date of Repealer: January 30, 2001
- 6) If this emergency repealer is to expire before the end of the 150-day period, please specify the date on which it expires: Not applicable
- 7) Date Filed with the Index Department: January 30, 2001
- 8) A copy of the adopted repealer, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Reason for Emergency Repealer: The Office of Banks and Real Estate (OBRE), in consultation with the industries regulated by the Office, has reached an agreement on the filing of a data collection report by the industries. In addition, the Joint Committee on Administrative Rules has issued an Objection to the rules, and OBRE has agreed to withdraw the rules as a result. The need to effect the filing of a report by emergency rulemaking has passed, and OBRE is filing this repealer to effect withdrawal of the emergency rules in response to the Objection of the Joint Committee.
- 10) A complete description of the subjects and issues involved: The original emergency rules provided for the filing of default and foreclosure rate data with the Commissioner. This data was intended to allow the Commissioner to commence regulatory action against any entity whose default and foreclosure rate exceeds the norm.

11) Are there any proposed amendments pending on this Part? Yes

Section Numbers:	Proposed Action:	Ill. Reg. Citation:
345.10	New	24 Ill. Reg. 18871
345.20	New	24 Ill. Reg. 18871
345.30	New	24 Ill. Reg. 18871
345.40	New	24 Ill. Reg. 18871
345.45	New	24 Ill. Reg. 18871
345.50	New	24 Ill. Reg. 18871
345.60	New	24 Ill. Reg. 18871

## OFFICE OF BANKS AND REAL ESTATE

## NOTICE OF EMERGENCY REPEALER

- 345.65      New      24 Ill. Reg. 18871
  - 345.70      New      24 Ill. Reg. 18871
  - 345.80      New      24 Ill. Reg. 18871
  - 345.90      New      24 Ill. Reg. 18871
  - 345.100      New      24 Ill. Reg. 18871
  - 345.110      New      24 Ill. Reg. 18871
  - 345.120      New      24 Ill. Reg. 18871
  - 345.130      New      24 Ill. Reg. 18871
  - 345.140      New      24 Ill. Reg. 18871
  - 345.150      New      24 Ill. Reg. 18871
  - 345.160      New      24 Ill. Reg. 18871
- 12) Statement of Statewide Policy Objectives: This rule will not affect local government.
- 13) Information and questions regarding this repealer shall be directed to:

Jay Stevenson, Assistant Commissioner  
Office of Banks and Real Estate  
500 East Monroe  
Springfield, Illinois 62701  
(217) 782-6169

## OFFICE OF BANKS AND REAL ESTATE

## NOTICE OF EMERGENCY REPEALER

- 1) Heading of the Part: Illinois Savings and Loan Act of 1985
- 2) Code Citation: 38 Ill. Adm. Code 1000
- 3) Section Number: Action:  
 1000.3650 Repeal  
 1000.3700 Repeal  
 1000.3750 Repeal
- 4) Statutory Authority: Implementing and authorized by the Illinois Savings and Loan Act of 1985 (205 ILCS 105/7-3(b)(2))

5) Effective Date of Repealer: January 30, 2001

6) If this emergency repealer is to expire before the end of the 150-day period, please specify the date on which it expires: Not applicable

7) Date Filed with the Index Department: January 30, 2001

8) A copy of the adopted repealer, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Reason for Emergency Repealer: The Office of Banks and Real Estate (OBRE), in consultation with the industries regulated by the Office, has reached an agreement on the filing of a data collection report by the industries. In addition, the Joint Committee on Administrative Rules has issued an Objection to the rules, and OBRE has agreed to withdraw the rules as a result. The need to effect the filing of a report by emergency rulemaking has passed, and OBRE is filing this repealer to effect withdrawal of the emergency rules in response to the Objection of the Joint Committee.

10) A complete description of the subjects and issues involved: The original emergency rules provided for the filing of default and foreclosure rate data with the Commissioner. This data was intended to allow the Commissioner to commence regulatory action against any entity whose default and foreclosure rate exceeds the norm.

11) Are there any proposed amendments pending on this Part? Yes

Section Numbers:	Proposed Action:	Ill. Reg. Citation:
1000.3000	New	24 Ill. Reg. 18881
1000.3100	New	24 Ill. Reg. 18881
1000.3150	New	24 Ill. Reg. 18881
1000.3200	New	24 Ill. Reg. 18881
1000.3225	New	24 Ill. Reg. 18881
1000.3250	New	24 Ill. Reg. 18881
1000.3300	New	24 Ill. Reg. 18881

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1000.3325	New	24 Ill. Reg. 18881
1000.3350	New	24 Ill. Reg. 18881
1000.3400	New	24 Ill. Reg. 18881
1000.3450	New	24 Ill. Reg. 18881
1000.3500	New	24 Ill. Reg. 18881
1000.3550	New	24 Ill. Reg. 18881
1000.3600	New	24 Ill. Reg. 18881
1000.3650	New	24 Ill. Reg. 18881
1000.3700	New	24 Ill. Reg. 18881
1000.3750	New	24 Ill. Reg. 18881
1000.3800	New	24 Ill. Reg. 18881

12) Statement of Statewide Policy Objectives: This rule will not affect local government.

13) Information and questions regarding this repealer shall be directed to:

Jay Stevenson, Assistant Commissioner  
 Office of Banks and Real Estate  
 500 East Monroe  
 Springfield, Illinois 62701  
 (217) 782-6169

## OFFICE OF BANKS AND REAL ESTATE

## NOTICE OF EMERGENCY REPEALER

- 1) Heading of the Part: Residential Mortgage License Act of 1987
- 2) Code Citation: 38 Ill. Adm. Code 1050
- 3) Section Number:

1050.1910	Action:
1050.1920	Repeal
1050.1930	Repeal
- 4) Statutory Authority: Implementing and authorized by the Illinois Residential Mortgage Licensing Act of 1987 (205 ILCS 635/4-1(g))
- 5) Effective Date of Repealer: January 30, 2001
- 6) If this emergency repealer is to expire before the end of the 150-day period, please specify the date on which it expires: Not applicable
- 7) Date Filed with the Index Department: January 30, 2001
- 8) A copy of the adopted repealer, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Reason for Emergency Repealer: The Office of Banks and Real Estate (OBRE), in consultation with the industries regulated by the Office, has reached an agreement on the filing of a data collection report by the industries. In addition, the Joint Committee on Administrative Rules has issued an objection to the rules, and OBRE has agreed to withdraw the rules as a result. The need to effect the filing of a report by emergency rulemaking has passed, and OBRE is filing this repealer to effect withdrawal of the emergency rules in response to the objection of the Joint Committee.
- 10) A complete description of the subjects and issues involved: The original emergency rules provide for the filing of default and foreclosure rate data with the Commissioner. This data was intended to allow the Commissioner to commence regulatory action against any entity whose default and foreclosure rate exceeds the norm.
- 11) Are there any proposed amendments pending on this Part? Yes

Section Numbers	Proposed Action	Ill. Reg. Citation
1050.1910	Amendment	24. Ill. Reg. 18899
1050.1920	Amendment	24. Ill. Reg. 18899
1050.1930	Amendment	24. Ill. Reg. 18899
- 12) Statement of Statewide Policy Objectives: This rule will not affect local government.

## OFFICE OF BANKS AND REAL ESTATE

## NOTICE OF EMERGENCY REPEALER

- 13) Information and questions regarding this repealer shall be directed to:

Jay Stevenson, Assistant Commissioner  
 Office of Banks and Real Estate  
 500 East Monroe  
 Springfield, Illinois 62701  
 (217) 782-6169

## OFFICE OF BANKS AND REAL ESTATE

## NOTICE OF EMERGENCY REPEALER

- 1) Heading of the Part: Savings Bank Act
- 2) Code Citation: 38 Ill. Adm. Code 1075
- 3) Section Number:  
Repeal: 1075-3650  
Repeal: 1075-3700  
Repeal: 1075-3750
- 4) Statutory Authority: Implementing and authorized by the Savings Bank Act [205 ICS 205/9002(2)]

5) Effective Date of Repealer: January 30, 2001

6) If this emergency repealer is to expire before the end of the 150-day period, please specify the date on which it expires: Not applicable

7) Date Filed with the Index Department: January 30, 2001

8) A copy of the adopted repealer, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Reason for Emergency Repealer: The Office of Banks and Real Estate (OBRE), in consultation with the industries regulated by the Office, has reached an agreement on the filing of a data collection report by the industries. In addition, the Joint Committee on Administrative Rules has issued an Objection to the rules, and OBRE has agreed to withdraw the rules as a result. The need to effect the filing of a report by emergency rulemaking has passed, and OBRE is filing this repealer to effect withdrawal of the emergency rules in response to the objection of the Joint Committee.

10) A complete description of the subjects and issues involved: The original emergency rules provided for the filing of default and foreclosure rate data with the Commissioner. This data was intended to allow the Commissioner to commence regulatory action against any entity whose default and foreclosure rate exceeds the norm.

11) Are there any proposed amendments pending to this Part? Yes

Section Number:	Proposed Action:	Ill. Reg. Citation:
1075-3000	New	24 Ill. Reg. 18917
1075-3100	New	24 Ill. Reg. 18917
1075-3150	New	24 Ill. Reg. 18917
1075-3200	New	24 Ill. Reg. 18917
1075-3225	New	24 Ill. Reg. 18917
1075-3250	New	24 Ill. Reg. 18917
1075-3300	New	24 Ill. Reg. 18917

## OFFICE OF BANKS AND REAL ESTATE

## NOTICE OF EMERGENCY REPEALER

- |           |     |                    |
|-----------|-----|--------------------|
| 1075-3325 | New | 24 Ill. Reg. 18917 |
| 1075-3350 | New | 24 Ill. Reg. 18917 |
| 1075-3400 | New | 24 Ill. Reg. 18917 |
| 1075-3450 | New | 24 Ill. Reg. 18917 |
| 1075-3500 | New | 24 Ill. Reg. 18917 |
| 1075-3550 | New | 24 Ill. Reg. 18917 |
| 1075-3600 | New | 24 Ill. Reg. 18917 |
| 1075-3650 | New | 24 Ill. Reg. 18917 |
| 1075-3700 | New | 24 Ill. Reg. 18917 |
| 1075-3750 | New | 24 Ill. Reg. 18917 |
| 1075-3800 | New | 24 Ill. Reg. 18917 |

12) Statement of Statewide Policy Objectives: This rule will not affect local government.

13) Information and questions regarding this repealer shall be directed to:

Jay Stevenson, Assistant Commissioner  
 Office of Banks and Real Estate  
 500 East Monroe  
 Springfield, Illinois 62701  
 (217) 782-6169

## ILLINOIS DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Appeal of Child Abuse and Neglect Investigation Findings
- 2) Code Citation: 89 Ill. Adm. Code 336
- 3) Section Numbers:      Emergency Action:  
336.110                      Amended  
336.220                      Amended
- 4) Statutory Authority: Children and Family Services Act (20 ILCS 505/5); implementing Section 7.16 of the Abuse and Neglected Child Reporting Act (325 ILCS 577.16)
- 5) Effective Date of Amendments: February 23, 2001
- 6) If this emergency amendment is to expire before the end of the 150 day period, please specify the date on when it is to expire: N/A
- 7) Date Filed in Agency's Principal Office: February 23, 2001
- 8) A copy of the emergency amendment, including any incorporation by reference is on file in the agency principal office and is available for public inspections.

9) Reason for Emergency: The Department amended Rules 336 to implement a 90-day process for the administrative appeals of indicated findings of child abuse or neglect. This time frame differs significantly from those established for the Criminal and Juvenile Courts, which has resulted in situations where the Department has expunged cases from the Child Abuse and Neglect Tracking System (CANTS) that were later upheld by the courts. Illinois children have been placed at risk by this process due to the fact that CANTS background checks may produce inaccurate information, permitting perpetrators access to children through employment or volunteer activities.

10) A Complete Description of the Subjects and Issues Involved: The revised Rule 3 Sections allows a stay of appeal until a final judicial decision has been made when an appellant is named as a defendant or respondent in a pending Criminal or Juvenile Court action and the action is based on the same facts as the administrative expungement appeal. This delay will not be considered a delay on the part of the Department in issuing and implementing its final administrative decision. When the court makes a final decision that is favorable to the appellant, the appellant is required to notify the Administrative Hearings Unit (AHU) of the finding in writing within 45 days and the AHU will schedule an appeal hearing. The AHU will dismiss those allegations that are based on the common set of facts when the court makes a final decision that is adverse to the appellant.

## ILLINOIS DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

- 11) Are there any proposed amendments pending to this Part? No
- 12) Statement of Statewide Policy Objectives: Not Applicable
- 13) Information and questions regarding this Emergency Amendment shall be directed to:

Jeff Osowski  
Office of Child and Family Policy  
Department of Children and Family Services  
406 East Monroe Street, Station #65  
Springfield IL 62701  
Telephone: 217/524-1983  
Facsimile: 217/557-0692

The full text of the Emergency Amendments begins on the next page:



## ILLINOIS DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

TITLE 89: SOCIAL SERVICES  
 CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES  
 SUBCHAPTER b: PROGRAM AND TECHNICAL SUPPORT

## PART 336

## APPEAL OF CHILD ABUSE AND NEGLECT

## INVESTIGATION FINDINGS

Section	Purpose
336.10	Definitions
336.20	Notice of Department Decision
336.30	Notice of the Right to Appeal and Receive an Administrative Hearing
336.40	Who May Appeal
336.50	What May Be Appealed
336.60	Appearance/Authorization to Represent
336.70	How to Request a Hearing/Sufficiency
336.80	Confidentiality During the Expungement Process
336.90	Rights and Responsibilities in Administrative Hearings
336.100	The Administrative Hearing and Pre-Hearing Conference
336.110	

## EMERGENCY

336.120	The Administrative Law Judge
336.130	Consolidating and Severing Issues and Parties
336.140	Exchange of Information
336.150	Continuances
336.160	Attendance of Witnesses
336.170	Testimony by Telephone
336.180	Interpreters
336.190	Grounds for Dismissal
336.200	Abandonment of Appeal/Default
336.210	Record of an Administrative Hearing
336.220	Final Administrative Decision
336.230	Severability of This Part

**AUTHORITY:** Authorized by Section 5 of the Children and Family Services Act [20 ILCS 505/5]; implementing Section 7.16 of the Abused and Neglected Child Reporting Act [325 ILCS 5/7.16].

**SOURCE:** Adopted at 17 Ill. Reg. 1026, effective January 15, 1993; amended at 19 Ill. Reg. 3465, effective March 1, 1995; emergency amendment at 20 Ill. Reg. 4817, effective March 19, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 10317, effective August 1, 1996; amended at 24 Ill. Reg. 7660, effective June 1, 2000; emergency amendment at 25 Ill. Reg. ~~8700~~, February 23, 2001, for a maximum of 150 days.

Section 336.110 The Administrative Hearing and Pre-Hearing Conference

## ILLINOIS DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

## a) The Chief Administrative Law Judge shall:

1) Upon notification from the Department's representative that a criminal or juvenile court action is pending based on the same facts as the administrative expungement appeal, issue a stay of the appeal process for all appellants named as defendants or respondents until a final judicial decision has been made. The time period, from the filing of the criminal charges or the juvenile petition, shall not be considered a delay on the part of the Department in issuing and implementing its final administrative decision.

A) If the circuit court makes a final decision favorable to the appellant, the appellant shall notify the Administrative Hearings Unit in writing that a final order has been entered in the criminal or juvenile case and the Administrative Hearings Unit shall schedule a hearing on the appeal. The appellant shall notify the Administrative Hearings Unit within 45 days after any such decision. If the appellant fails to notify the Administrative Hearings Unit of these findings of fact within 45 days, the appellant shall not be entitled to a hearing under this Part.

B) If the circuit court makes a final decision adverse to the appellant, the Administrative Hearings Unit shall dismiss those allegations that are based on the common set of facts.

C) The Administrative Hearings Unit may schedule status hearings to determine the status of any appeal stayed because of circuit court action;

2) in the absence of a pending criminal or juvenile court action or an agreement of the parties, schedule a pre-hearing conference at least 15 days before the first hearing date and a hearing at a date within 70 calendar days after the date of receipt of the appellant's request for an administrative hearing; ensure that the administrative hearing is scheduled at a time and place reasonably convenient for all parties;

3) provide a written notice to the parties within 10 calendar days after the receipt of a sufficient request for an administrative hearing, which shall contain the following information:

A) the date and time of the pre-hearing conference;  
 B) the date, time, place and nature of the hearing;  
 C) the reasons which may be deemed an abandonment of the request for a hearing, thus constituting a waiver of the right to a hearing;

D) a citation to the provision in the Abused and Neglected Child Reporting Act which grants the Department of Children and Family Services the legal authority and jurisdiction to hold this hearing;

E) a reference to the particular Sections of the statutes and administrative rules involved;

F) the allegations that were indicated;

## ILLINOIS DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

- G) the consequences of the appellant's failure to appear at the pre-hearing conference;
- H) the docket number assigned to this case;
- I) the name and mailing address of the Administrative Law Judge and all parties, unless the names or addresses are confidential under the Abused and Neglected Child Reporting Act or Department of Children and Family Services Act; and
- J) a statement of the parties' rights during the administrative hearing.
- b) The Administrative Law Judge shall address the following issues during the pre-hearing conference:
- 1) Whether parties have exchanged lists of the persons who will provide testimony during the administrative hearing.
  - 2) Whether children under 14 years of age may testify or be involved in the hearing.
    - A) Either party requesting that a child under 14 years of age be subpoenaed to testify or be involved in the hearing process must demonstrate at the pre-hearing conference that:
      - i) the child's testimony or involvement is essential to a determination of an issue on appeal; and
      - ii) there is no likelihood of inflicting emotional harm to the particular child involved; and
      - iii) no alternatives, such as stipulations or transcripts from prior court hearings, exist which may be used as a substitute for the child's testimony.
    - B) If the Administrative Law Judge allows a child to testify, the Administrative Law Judge may set any conditions or restrictions, and may use any techniques allowed in any juvenile, civil or criminal court (including but not limited to in camera interviews, questions submitted in writing, exclusion of parties to the proceedings, including but not limited to the parents, or change of hearing room or location) that will help minimize any emotional impact on the child.
  - 3) Whether witnesses should be scheduled to testify at specific times.
  - 4) Whether the parties have or will have exchanged records or documents prior to the administrative hearing.
  - 5) Whether the parties can agree upon any facts as true.
  - 6) Motions filed by any party.
    - A) Any motions from the appellant or the Department shall be filed with the Administrative Law Judge at least 10 calendar days before the pre-hearing.
    - B) Copies of the motion shall be served upon the Administrative Law Judge, the Administrative Hearings Unit, and the opposing party at least 10 days before the date set for pre-hearing.
    - C) Any motion that is consistent with administrative practice

## ILLINOIS DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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- and procedure and does not infringe upon the Director's authority may be heard.
- 7) The need for an interpreter for a party whose primary language is not English or who requires communication assistance.
  - c) The pre-hearing conference shall be convened by telephone unless the Administrative Law Judge and the parties agree that the pre-hearing conference shall be held in person. The Administrative Law Judge shall place all telephone calls. The cost of telephone calls shall be borne by the Department. The Administrative Hearings Unit shall arrange for the appellant to use a telephone at a Department Field Office if the appellant has previously notified the Department that he/she does not have access to a telephone.
  - d) The Administrative Law Judge may order the parties to attend the pre-hearing conference in person without the consent of all parties. If the Administrative Law Judge orders personal attendance, the Administrative Law Judge shall:
    - 1) give written notice to the parties of the date, time and place of the pre-hearing conference; and
    - 2) hold the pre-hearing conference at a place and time convenient for the parties.

(Source: Amended by emergency rulemaking at 25 Ill. Reg. effective February 23, 2001, for a maximum of 150 days)

## Section 336.220 Final Administrative Decision

- a) Making the Final Administrative Decision  
The Director of the Department shall receive the Administrative Law Judge's recommended decision 90 days after receipt of a timely and sufficient request for an appeal, unless extended by action of the appellant or a stay pending a final judicial decision of a criminal or juvenile court proceeding based upon the same set of facts. Within the same 90 day period, the Director shall receive and accept, reject, amend or return to the Administrative Hearings Unit for further proceedings the Administrative Law Judge's recommendation. The 90 day time period may be extended by the actions of the appellant. The Director's decision is the final administrative decision of the Department. If the decision requires corrective action by the Department, the Director shall appoint a Department staff person who shall be responsible for insuring compliance with the decision.
- b) Notice of the Availability of Judicial Review  
The Department shall include a notice to appellants as part of the final administrative decision. This notice shall include the name of the person responsible for compliance, if applicable, and shall advise the appellants that, under the provisions of the Administrative Review Law [735 ILCS 5/Act. III], they may seek judicial review of the Department's decision if it is unfavorable to them, within the statutory time frame.

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## ILLINOIS DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

- c) Who Receives Copies of the Final Administrative Decision  
The appellant or authorized representative, the Department child protective investigation unit, the Department's representative, the Department's Office of Legal Services, the Administrative Law Judge, the Chief Administrative Law Judge, and the State Central Register shall receive a copy of the final administrative decision.

## d) Notifying Others of the Decision

- 1) The following persons shall receive a notice of the final administrative decision from the State Central Register:

A) the Illinois Department of Professional Regulation, district, regional and private school superintendents and the State Board of Education when they have been notified that an appeal has been filed in accordance with 89 Ill. Adm. Code 300 (Reports of Child Abuse and Neglect), Section 300.140;

B) administrators of child care facilities and Department licensing staff when the appellant is an employee of a child care facility; and

C) supervisors or administrators notified in accordance with 89 Ill. Adm. Code 300.100(i).

- 2) The following persons shall receive a notice of the final administrative decision, if the decision amends, expunges or removes any record made under Section 7.17 of the Abused and Neglected Child Reporting Act [325 ILCS 5/7.17]:

A) parents or personal guardians of the child victims if they are not the same as the appellant;

B) the mandated reporter who originally made the report of child abuse or neglect;

C) the juvenile court judge and guardian ad litem (when a State ward is involved).

(Source: Amended by emergency rulemaking at 25 Ill. Reg. 3700, effective February 23, 2001, for a maximum of 150 days)

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Food Stamps
- 2) Code Citation: 89 Ill. Adm. Code 121
- 3) Section Numbers: Emergency Action: 121.63  
Emergency Amendment
- 4) Statutory Authority: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13].
- 5) Effective Date of Amendments: March 1, 2001
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: N/A
- 7) Date filed with the Index Department: February 23, 2001

- 8) A copy of the emergency amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

- 9) Reason for Emergency: The increase in the maximum shelter care deduction was mandated for certification periods beginning March 1, 2001 by federal legislation, specifically P.L. 106-387, The Agricultural, Rural Development, Food and Drug Administration and Related Agencies Appropriations Act.

- 10) A Complete Description of the Subject and Issues Involved: The Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act provides that the Maximum Excess Shelter Deduction increase to \$340 effective 03/01/01.

- 11) Are there any other amendments pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
121.60	Amendment	24 Ill. Adm. 15405, 10/20/00
121.61	Amendment	24 Ill. Adm. 15405, 10/20/00
121.63	Amendment	24 Ill. Adm. 15405, 10/20/00
121.63	Emergency Amend.	25 Ill. Adm. 2439, 2/9/01
121.64	Amendment	24 Ill. Adm. 15405, 10/20/00

- 12) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate.

- 13) Information and questions regarding this amendment shall be directed to:

Ms. Susan Weir, Bureau Chief

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

Bureau Administrative Rules and Procedures  
 Department of Human Services  
 100 South Grand Avenue East  
 3rd Floor Harris Bldg.  
 Springfield Illinois 62762  
 (217) 785-9772

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

The full text of the Emergency Amendments begins on the next page:

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

TITLE 89: SOCIAL SERVICES  
 CHAPTER IV: DEPARTMENT OF HUMAN SERVICES  
 SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 121  
 FOOD STAMPS

## SUBPART A: APPLICATION PROCEDURES

## Section

- 121.1 Application for Assistance
- 121.2 Time limitations on the Disposition of an Application
- 121.3 Approval of an Application and Initial Authorization of Assistance
- 121.4 Denial of an Application
- 121.5 Client Cooperation
- 121.6 Emergency Assistance
- 121.7 Expedited Services
- 121.10 Interviews

## SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

## Section

- 121.18 Work Requirement
- 121.19 Ending a Voluntary Quit Disqualification (Repealed)
- 121.20 Citizenship
- 121.21 Residence
- 121.22 Social Security Numbers
- 121.23 Work Registration/Participation Requirements
- 121.24 Individuals Exempt from Work Registration Requirements
- 121.25 Failure to Comply with Work Provisions
- 121.26 Period of Sanction
- 121.27 Voluntary Job Quit/Reduction in Work Hours
- 121.28 Good Cause for Voluntary Job Quit/Reduction in Work Hours
- 121.29 Exemptions from Voluntary Quit/Reduction in Work Hour Rules

## SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

## Section

- 121.30 Unearned Income
- 121.31 Exempt Unearned Income
- 121.32 Education Benefits
- 121.33 Unearned Income In-Kind
- 121.34 Lump Sum Payments and Income Tax Refunds
- 121.40 Earned Income
- 121.41 Budgeting Earned Income
- 121.50 Exempt Earned Income
- 121.51 Income from Work/Study/Training Programs
- 121.52 Earned Income from Roomer and Boarder

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

121.53 Income From Rental Property  
 121.54 Earned Income In-Kind  
 121.55 Sponsors of Aliens  
 121.57 Assets  
 121.58 Exempt Assets  
 121.59 Asset Disregards

## SUBPART D: ELIGIBILITY STANDARDS

Section  
 121.60 Net Monthly Income Eligibility Standards  
 121.61 Gross Monthly Income Eligibility Standards  
 121.62 Income Which Must Be Annualized  
 121.63 Deductions From Monthly Income  
 EMERGENCY  
 121.64 Food Stamp Benefit Amount

## SUBPART E: HOUSEHOLD CONCEPT

Section  
 121.70 Composition of the Assistance Unit  
 121.71 Living Arrangement  
 121.72 Nonhousehold Members  
 121.73 Ineligible Household Members  
 121.74 Strikers  
 121.75 Students  
 121.76 Households Receiving AFDC, SSI, Interim Assistance and/or GA -  
 Categorical Eligibility

## SUBPART F: MISCELLANEOUS PROGRAM PROVISIONS

Section  
 121.80 Fraud Disqualification (Renumbered)  
 121.81 Initiation of Administrative Fraud Hearing (Repealed)  
 121.82 Definition of Fraud (Renumbered)  
 121.83 Notification To Applicant Households (Renumbered)  
 121.84 Disqualification Upon Finding of Fraud (Renumbered)  
 121.85 Court Imposed Disqualification (Renumbered)  
 121.90 Monthly Reporting and Retrospective Budgeting (Repealed)  
 121.91 Monthly Reporting (Repealed)  
 121.92 Retrospective Budgeting  
 121.93 Issuance of Food Stamp Benefits  
 121.94 Replacement of the EBT Card or Food Stamp Benefits  
 121.95 Restoration of Lost Benefits  
 121.96 Uses For Food Coupons  
 121.97 Supplemental Payments  
 121.98 Client Training for the Electronic Benefits Transfer (EBT) System  
 121.105 State Food Program (Repealed)

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

121.107 New State Food Program  
 121.120 Recertification of Eligibility  
 121.130 Residents of Shelters for Battered Women and Their Children  
 121.131 Fleeing Felons and Probation/Parole Violators  
 121.135 Incorporation By Reference  
 121.140 Small Group Living Arrangement Facilities and Drug/alcoholic Treatment Centers  
 121.145 Quarterly Reporting

## SUBPART G: INTENTIONAL VIOLATIONS OF THE PROGRAM

Section  
 121.150 Definition of Intentional Violations of the Program  
 121.151 Penalties for Intentional Violations of the Program  
 121.152 Notification To Applicant Households  
 121.153 Disqualification Upon Finding of Intentional Violation of the Program  
 121.154 Court Imposed Disqualification

## SUBPART H: FOOD STAMP EMPLOYMENT AND TRAINING PROGRAM

Section  
 121.160 Persons Required to Participate  
 121.162 Participation and Cooperation Requirements  
 121.164 Orientation  
 121.166 Assessment and Employability Plan  
 121.170 Job Search Component  
 121.172 Basic Education Component  
 121.174 Job Readiness Component  
 121.176 Work Experience Component  
 121.177 Illinois Works Component  
 121.178 Job Training Component  
 121.179 JTPA Employability Services Component  
 121.180 Grant Diversion Component (Repealed)  
 121.182 Earnfare Component  
 121.184 Sanctions  
 121.186 Good Cause for Failure to Cooperate  
 121.188 Supportive Services  
 121.190 Conciliation and Fair Hearings  
 121.190 Types of Claims (Recordified)  
 121.200 Establishing a Claim for Intentional Violation of the Program (Recordified)  
 121.202 Establishing a Claim for Unintentional Household Errors and Administrative Errors (Recordified)  
 121.203 Collecting Claim Against Households (Recordified)  
 121.204 Failure to Respond to Initial Demand Letter (Recordified)  
 121.205 Methods of Repayment of Food Stamp Claims (Recordified)  
 121.206 Determination of Monthly Allotment Reductions (Recordified)  
 121.207 Failure to Make Payment in Accordance with Repayment Schedule



## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

(Recodified)  
Suspension and Termination of Claims (Recodified)

121.208

## SUBPART I: WORK REQUIREMENT FOR FOOD STAMPS

- Section
- 121.220 Work Requirement Components
- 121.221 Meeting the Work Requirement with the Earnfare Component
- 121.222 Volunteer Community Work Component
- 121.223 Work Experience Component
- 121.224 Supporting Service Payments to Meet the Work Requirement
- 121.225 Meeting the Work Requirement with the Illinois Works Component
- 121.226 Meeting the Work Requirement with the JTPA Employability Services Component

**AUTHORITY:** Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13].

**SOURCE:** Adopted December 30, 1977; amended at 3 Ill. Reg. 5, p. 875, effective February 2, 1979; amended at 3 Ill. Reg. 31, p. 109, effective August 3, 1979; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 41, p. 165, effective October 11, 1979; amended at 3 Ill. Reg. 42, p. 230, effective October 9, 1979; amended at 3 Ill. Reg. 44, p. 173, effective October 19, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 3, p. 49, effective January 9, 1980; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 23, 1980; amended at 4 Ill. Reg. 10, p. 253, effective February 27, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; for a maximum of 150 days; amended at 4 Ill. Reg. 29, p. 294, effective July 8, 1980; for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 17, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1131, effective January 16, 1981; amended at 5 Ill. Reg. 4586, effective April 15, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 12736, effective October 29, 1981; amended at 6 Ill. Reg. 1653, effective January 17, 1982; amended at 6 Ill. Reg. 2707, effective March 2, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10208, effective August 9, 1982; amended at 6 Ill. Reg. 11321, effective September 21, 1982; amended at 6 Ill. Reg. 12218, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 5715, effective May 1, 1983; amended at 7 Ill. Reg. 8118, effective June 24, 1983; peremptory amendment at 7 Ill. Reg. 12899, effective October 1, 1983; amended at 7 Ill. Reg. 13655, effective

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

October 4, 1983; peremptory amendment at 7 Ill. Reg. 16067, effective November 18, 1983; amended at 7 Ill. Reg. 16169, effective November 22, 1983; amended at 8 Ill. Reg. 5673, effective April 18, 1984; amended at 8 Ill. Reg. 7249, effective May 16, 1984; peremptory amendment at 8 Ill. Reg. 10086, effective July 1, 1984; amended at 8 Ill. Reg. 13284, effective July 16, 1984; amended at 8 Ill. Reg. 17900, effective September 14, 1984; amended (by adding Section being codified with no substantive change) at 8 Ill. Reg. 17898; peremptory amendment at 8 Ill. Reg. 19690, effective October 1, 1984; peremptory amendment at 8 Ill. Reg. 22145, effective November 1, 1984; amended at 9 Ill. Reg. 302, effective January 1, 1985; amended at 9 Ill. Reg. 6804, effective May 1, 1985; amended at 9 Ill. Reg. 8665, effective May 29, 1985; peremptory amendment at 9 Ill. Reg. 8898, effective July 1, 1985; amended at 9 Ill. Reg. 11334, effective July 8, 1985; amended at 9 Ill. Reg. 14334, effective September 6, 1985; peremptory amendment at 9 Ill. Reg. 15582, effective October 1, 1985; amended at 9 Ill. Reg. 16889, effective October 16, 1985; amended at 9 Ill. Reg. 19726, effective December 9, 1985; amended at 10 Ill. Reg. 229, effective December 20, 1985; peremptory amendment at 10 Ill. Reg. 7387, effective April 21, 1986; peremptory amendment at 10 Ill. Reg. 7941, effective May 1, 1986; amended at 10 Ill. Reg. 14692, effective August 29, 1986; peremptory amendment at 10 Ill. Reg. 15714, effective October 1, 1986; Sections 121.200 thru 121.208 recodified to 89 Ill. Adm. Code 165 at 10 Ill. Reg. 21094; peremptory amendment at 11 Ill. Reg. 3761, effective February 11, 1987; for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 3754, effective February 13, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 9968, effective May 15, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 10269, effective May 22, 1987; amended at 11 Ill. Reg. 10621, effective May 25, 1987; peremptory amendment at 11 Ill. Reg. 11391, effective July 1, 1987; peremptory amendment at 11 Ill. Reg. 11855, effective June 30, 1987; emergency amendment at 11 Ill. Reg. 12043, effective July 6, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13635, effective August 1, 1987; amended at 11 Ill. Reg. 14022, effective August 10, 1987; emergency amendment at 11 Ill. Reg. 15261, effective September 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 15480, effective September 4, 1987; amended at 11 Ill. Reg. 15634, effective September 11, 1987; amended at 11 Ill. Reg. 18218, effective October 30, 1987; peremptory amendment at 11 Ill. Reg. 18374, effective October 30, 1987; amended at 12 Ill. Reg. 877, effective December 30, 1987; emergency amendment at 12 Ill. Reg. 1941, effective December 31, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 4204, effective February 5, 1988; amended at 12 Ill. Reg. 9678, effective May 23, 1988; amended at 12 Ill. Reg. 9922, effective June 1, 1988; amended at 12 Ill. Reg. 11463, effective June 30, 1988; amended at 12 Ill. Reg. 12824, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 14045, effective August 19, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 15704, effective October 1, 1988; peremptory amendment at 12 Ill. Reg. 16271, effective October 1, 1988; amended at 12 Ill. Reg. 20161, effective November 30, 1988; amended at 13 Ill. Reg. 3890, effective March 10, 1989; amended at 13 Ill. Reg. 13619, effective August 14, 1989; peremptory amendment at 13 Ill. Reg. 13659, effective October 1, 1989; peremptory amendment at 13 Ill. Reg. 15859, effective October 1, 1989; amended at 14 Ill. Reg. 729, effective January 1, 1990; amended at 14 Ill. Reg. 6349, effective April 13, 1990; amended at 14

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

Ill. Reg. 13202, effective August 6, 1990; peremptory amendment at 14 Ill. Reg. 15158, effective October 1, 1990; amended at 14 Ill. Reg. 16983, effective September 30, 1990; amended at 15 Ill. Reg. 11150, effective July 22, 1991; amended at 15 Ill. Reg. 11957, effective August 12, 1991; peremptory amendment at 15 Ill. Reg. 14134, effective October 1, 1991; emergency amendment at 16 Ill. Reg. 757, effective January 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 10011, effective June 15, 1992; amended at 16 Ill. Reg. 13900, effective August 31, 1992; emergency amendment at 16 Ill. Reg. 16221, effective October 1, 1992, for a maximum of 150 days; peremptory amendment at 16 Ill. Reg. 16345, effective October 1, 1992; amended at 16 Ill. Reg. 16624, effective October 23, 1992; amended at 17 Ill. Reg. 644, effective December 31, 1992; amended at 17 Ill. Reg. 4333, effective March 19, 1993; amended at 17 Ill. Reg. 14625, effective August 26, 1993; emergency amendment at 17 Ill. Reg. 15149, effective September 7, 1993, for a maximum of 150 days; peremptory amendment at 17 Ill. Reg. 17477, effective October 1, 1993; expedited correction at 17 Ill. Reg. 21216, effective October 1, 1993; amended at 18 Ill. Reg. 2033, effective January 21, 1994; emergency amendment at 18 Ill. Reg. 2509, effective January 27, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 3427, effective February 28, 1994; amended at 18 Ill. Reg. 8921, effective June 3, 1994; amended at 18 Ill. Reg. 12829, effective August 5, 1994; amended at 18 Ill. Reg. 14103, effective August 26, 1994; amended at 19 Ill. Reg. 5626, effective March 31, 1995; amended at 19 Ill. Reg. 6648, effective May 5, 1995; emergency amendment at 19 Ill. Reg. 12705, effective September 1, 1995, for a maximum of 150 days; peremptory amendment at 19 Ill. Reg. 13595, effective October 1, 1995; amended at 20 Ill. Reg. 1593, effective January 11, 1996; peremptory amendment at 20 Ill. Reg. 2229, effective January 17, 1996; amended at 20 Ill. Reg. 7902, effective June 1, 1996; amended at 20 Ill. Reg. 11935, effective August 14, 1996; emergency amendment at 20 Ill. Reg. 13381, effective October 1, 1996, for a maximum of 150 days; emergency amendment at 20 Ill. Reg. 13668, effective October 8, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 3155, effective February 28, 1997; amended at 21 Ill. Reg. 7733, effective June 4, 1997; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; emergency amendment at 22 Ill. Reg. 1934, effective January 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 5502, effective March 4, 1998; amended at 22 Ill. Reg. 7969, effective May 15, 1998; emergency amendment at 22 Ill. Reg. 10660, effective June 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 12167, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16230, effective September 1, 1998; amended at 22 Ill. Reg. 19787, effective October 28, 1998; emergency amendment at 22 Ill. Reg. 19934, effective November 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 20098, effective November 1, 1998; emergency amendment at 23 Ill. Reg. 2601, effective February 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 3374, effective March 1, 1999; amended at 23 Ill. Reg. 7285, effective June 18, 1999; emergency amendment at 23 Ill. Reg. 13253, effective October 13, 1999, for a maximum of 150 days; emergency amendment at 24 Ill. Reg. 3871, effective February 24, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 4180, effective March 2, 2000; amended at 24 Ill. Reg. 10198, effective June 27, 2000; amended at 24 Ill. Reg.

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## NOTICE OF EMERGENCY AMENDMENTS

15428, effective October 10, 2000; emergency amendment at 24 Ill. Reg. 15468, effective October 1, 2000, for a maximum of 150 days; amended at 25 Ill. Reg. 845, effective January 5, 2001; amended at 25 Ill. Reg. 2423, effective January 25, 2001; emergency amendment at 25 Ill. Reg. 2439, effective January 29, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 3447, effective March 1, 2001, for a maximum of 150 days.

## SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

## Section 121.63 Deductions From Monthly Income

EMERGENCY

- a) The deductions described in this Section shall be allowed in the determination of the adjusted net monthly food stamp income.
- b) Earned Income Deduction. Eighty percent of total gross earned income is considered. See Sections 121.40 through 121.54 for a description of earned income.
- c) Standard Deduction. The standard deduction is \$134 per household per month.
- d) Dependent Care Deduction
  - 1) The dependent care deduction consists of payments for the care of a child or other dependent when necessary for a household member to accept or continue employment or to seek employment in compliance with the job search criteria (contained in 89 Ill. Adm. Code 112.70 through 112.73) or to attend training or pursue education which is preparatory for employment.
  - 2) The amount of the deduction is to be determined by the actual costs for care and is not to exceed \$200 per month for each child under age 2 and \$175 per month for each other dependent household member.
- e) Child Support Deduction. The child support deduction is the amount of legally obligated child support paid by a household member to or for a nonhousehold member.
- f) Shelter Costs Deduction
  - 1) The shelter deduction is the amount of shelter costs that exceeds 50% of the household's total income after the allowable deductions in subsections (b), (c), (d), and (e) of this Section have been made. The shelter deduction shall not exceed \$300. The shelter deduction shall not exceed \$340 for certification periods starting March 1, 2001 or later.
  - 2) If the household contains a member who is elderly or disabled, as defined at 7 CFR 271.2 (1990) and Section 121.61, there is no limit on the amount of the excess shelter deduction.
  - 3) Shelter costs include only the following:
    - A) continuing charges for the shelter occupied by the household (rent, mortgage and other charges leading to the ownership of the shelter, including interest on such charges);
    - B) property taxes, State and local assessments and insurance on

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NOTICE OF EMERGENCY AMENDMENTS

- the structure itself; and
- C) utility costs, as described in subsection (g) of this Section.
- 4) Shelter costs for a home temporarily unoccupied by the household because of employment or training away from home, illness or abandonment caused by a natural disaster or casualty loss, if:
- A) the household intends to return to the home;
  - B) the current occupants of the home, if any, are not claiming the shelter costs for food stamp purposes; and
  - C) the home is not leased or rented during the absence of the household.
- 5) Charges for repair of a home which was damaged or destroyed due to a natural disaster. Shelter costs shall not include repair charges which have been or will be reimbursed by private or public relief agencies, insurance companies or any other source.
- g) Utility Costs
- 1) Utility costs include:
    - A) the cost of heating and cooking fuel, air conditioning, electricity, water, sewerage, garbage and trash collection;
    - B) basic service fee for one telephone (including tax on the basic fee) of \$27; and
    - C) fees charged by the utility provider for initial installation.
  - 2) Utility deposits are not considered to be utility costs.
  - 3) Except for households that claim utility expenses for an unoccupied home, either the air conditioning/heating standard or the electricity standard must be used if the household is billed for air conditioning, heating or electricity. See Section 121.63(g)(7) for households that claim utility expenses for an unoccupied home. Households that are billed for heating or air conditioning, or both, or heating, air conditioning and electricity, must use the air conditioning/heating standard allowance of \$22. Those households that are not billed for air conditioning or heating but are billed for electricity must use the electricity standard allowance of \$147. Households living in rental housing who are billed on a regular basis by a landlord for costs for air conditioning, heating, or electricity must use the appropriate standard. If the air conditioning/heating standard allowance or the electricity standard allowance is used, then no other utility costs may be claimed. If actual utility costs are allowed because the household does not qualify for either standard, then actual, verified costs may be claimed, except that if a separately-billed phone expense is claimed only the basic telephone allowance of \$27 per month is allowed.
  - 4) A household that is billed less often than monthly for its costs for heating, air conditioning, or electricity must continue to use the air conditioning/heating standard allowance or the electricity standard allowance, whichever is appropriate, between

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- billing months.
- 5) Households in public housing or privately owned rental units that receive a bill for over-usage are not entitled to use the air conditioning/heating standard allowance or the electricity standard allowance. When households (as defined at 7 CFR 273.1(a) (1990)) live together, the air conditioning/heating standard allowance or the electricity standard allowance, whichever is appropriate, shall be divided equally among the households that contribute toward the utility costs whether or not each household participates in the program.
- 6) Households whose expense for heat or electricity, or both, is covered by indirect energy assistance payments under the Illinois Home Energy Assistance Program (47 Ill. Adm. Code 100) shall be entitled to the air conditioning/heating standard allowance or the electricity standard allowance, whichever is appropriate (7 CFR 273.9 and 273.10(d)(6) (1990)). The provisions of subsection (f)(3) of this Section are applicable to households whose expenses for heating or electricity, or both, are covered by indirect energy assistance payments.
- 7) When the household claims a utility expense for an unoccupied home (as defined in Section 121.63(f)(4)), actual utility expenses are allowed for the unoccupied home as well as the current residence. The air conditioning/heating standard or the electricity standard is not used for either home. The appropriate utility standard may be used if the household chooses not to claim utilities for the unoccupied home.
- h) Excess Medical Deduction. A deduction for excess medical expenses shall be allowed for households which contain an elderly or disabled member as defined at 7 CFR 271.2 (1990) and Section 121.61. The medical expenses incurred by the qualifying household member which are over \$35 will be deducted, if the expenses will not be reimbursed by insurance or a third party.

(Source: Amended by emergency rulemaking at 25 Ill. Reg. effective March 1, 2001, for a maximum of 150 days)

§ 7 0 2



JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLYSUSPENSION OF PEREMPTORY RULES

## STATE BOARD OF EDUCATION

Heading of the Part: CertificationCode Citation: 23 Ill Adm Code 25Section Numbers: APPENDIX CDate Published in the Illinois Register: 10/27/00  
24 Ill Reg 16109

At its meeting on February 21, 2001, the Joint Committee on Administrative Rules voted to suspend the above peremptory rulemaking, and to notify the Secretary of State of the suspension of the peremptory rulemaking. The Committee found that the continued enforcement of this rulemaking would constitute a serious threat to the public interest, safety and welfare and particularly the welfare of this State's special education students. Implementation of this rulemaking may result in unqualified teachers being assigned to students for whom the teacher has to training or preparation.

The suspended peremptory rules may not be enforced by the State Board of Education for any reason, nor may the Department file with the Secretary of State any rule having substantially the same purpose and effect as these suspended rules for at least 180 days following receipt of this certification and statement by the Secretary of State.

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

NOTICE OF FAILURE TO REMEDY  
ILLINOIS GAMING BOARD1) Heading of the Part: Riverboat Gambling2) Code Citation: 86 Ill Adm Code 30003) Section Numbers: 3000.930 Action: Objection4) Notice of Proposal published in Illinois Register: 24 Ill Reg 6754 -  
5/5/005) Date JCAR issued Statement of Objection: 10/17/006) Summary of Action taken by the Agency: At its 2/5/00, IGB considered JCAR's Objection concerning its rules for increased hours of authorized alcohol sales. At that time, the Board considered additional information and public comment but decided to keep the hours set from 9:30-4 a.m. or one hour prior to closing.7) JCAR Action: Notice of Failure to Remedy

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF OBJECTION  
TO PROPOSED RULEMAKING

## DEPARTMENT OF PROFESSIONAL REGULATION

Heading of the Part: Nursing and Advanced Practice Nursing Act-Advanced Practice Nurse

Code Citation: 68 Ill Adm Code 1305

Section Numbers: 1305.10 1305.15 1305.20 1305.25  
1305.30 1305.35 1305.40 1305.45  
1305.50 1305.60 1305.70 1305.75  
1305.80 1305.85 1305.90 1305.95  
1305.EXHIBIT A 1305.EXHIBIT B

Date Originally Published in the Illinois Register: 9/22/00  
24 Ill Reg 14159

At its meeting on February 21, 2001, the Joint Committee on Administrative Rules objected to the Department of Professional Regulation rules titled Nursing and Advanced Practice Nursing Act - Advanced Practice Nurse (68 Ill Adm Code 1305; 24 Ill Reg 14159) because substantial changes were made to the rule after 1st Notice publication, and, therefore, the public has had no opportunity under the Illinois Administrative Procedure Act to submit comments on those changes.

Failure of the agency to respond within 90 days after receipt of the Statement of Objection shall constitute withdrawal of this proposed rulemaking. The agency's response will be placed on the JCAR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

## SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of February 21, 2001 through February 26, 2001 and have been scheduled for review by the Committee at its March 20, 2001 meeting in Springfield. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

Second Notice Expires	Agency and Rule	Start Of First Notice	JCAR Meeting
4/6/01	Illinois Community College Board, Administration of the Illinois Public Community College Act (23 Ill Adm Code 1501)	11/17/00 24 Ill Reg 16874	3/20/01
4/7/01	Department on Aging, Elder Rights (89 Ill Adm Code 270)	10/13/00 24 Ill Reg 14822	3/20/01
4/8/01	Department of Public Aid, Hospital Services (89 Ill Adm Code 148)	12/29/00 24 Ill Reg 18984	3/20/01
4/8/01	Department of Transportation, Airport Land Loan Program (92 Ill Adm Code 15)	12/29/00 24 Ill Reg 19041	3/20/01
4/8/01	Department of Veterans' Affairs, Duties of the Superintendent of the Illinois Veterans Homes (95 Ill Adm Code 106)	12/22/00 24 Ill Reg 18545	3/20/01
4/8/01	Department of Veterans' Affairs, Admission to and Discharge from Illinois Veterans Homes (95 Ill Adm Code 107)	12/22/00 24 Ill Reg 18539	3/20/01
4/8/01	Department of Veterans' Affairs, Funeral and Burial Procedures for Members of the Illinois Homes (95 Ill Adm Code 109)	12/22/00 24 Ill Reg 18549	3/20/01
4/8/01	Pollution Control Board, Definitions and General Provisions (35 Ill Adm Code 211)	11/13/00 24 Ill Reg 16452	3/20/01



JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

## SECOND NOTICES RECEIVED

4/8/01	Pollution Control Board, Nitrogen Oxides Emissions (35 Ill Adm Code 217)	11/3/00 24 Ill Reg 16200	3/20/01
4/8/01	Pollution Control Board, Nitrogen Oxides Emissions (35 Ill Adm Code 217)	11/13/00 24 Ill Reg 16467	3/20/01